








# HISTORY OF VERMONT







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Mr. Willard, Gov.



## THOMAS CHITTENDEN

First Governor of Vermont.

Born in East Guilford, Conn., January 6, 1730. He removed to Salisbury, Conn., where he became a man of influence and a member of the Connecticut Assembly. He came to Vermont in 1774 and settled at Williston. The British invasion compelled the Chittenden family to seek refuge in Arlington.

Thomas Chittenden was one of the active leaders in the various conventions which resulted in the establishment of the independent State of Vermont. He served as Governor from the inauguration of the State government in 1778 until shortly before his death, with the exception of one term which included parts of the years 1789-90. He died August 25, 1797. He was a man of great wisdom and sagacity.

*Mr. Chittenden, Gov.*

# VERMONT

## The Green Mountain State

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BY  
WALTER HILL CROCKETT

AUTHOR OF  
VERMONT—ITS RESOURCES AND OPPORTUNITIES  
HISTORY OF LAKE CHAMPLAIN  
GEORGE FRANKLIN EDMUNDS

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VOLUME TWO

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TO THE MEMORY OF  
GEORGE GRENVILLE BENEDICT  
AND  
HORACE WARD BAILEY

Who encouraged and aided the author  
in his study of Vermont history,  
these volumes are dedicated.





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## CHAPTER XVI

# THE NAVAL BATTLE OF LAKE CHAMPLAIN



EARLY in June, when General Schuyler saw the probability that the Northern army must abandon Canada in the near future, he began to make plans for strengthening the positions held on Lake Champlain. He hoped soon to send an engineer to repair Ticonderoga, if it was considered desirable to keep that position, but expressed the opinion that a post on the ground opposite the old fortress "would more effectually secure us against the enemy." Schuyler's views on the subject were made known to General Washington, who wrote him on July 13 that Messrs. Chase and Carroll, the commissioners who were sent to Canada by Congress, as associates of Benjamin Franklin, were of the same opinion that the eastern side of the lake was the more advantageous post to occupy. Admitting that necessary works of defence should be thrown up with the utmost dispatch in the place most easily defended, Washington wished to know if it would not be desirable to fortify both Ticonderoga and the point opposite. Schuyler replied: "If a fortress was erected on the east side of Lake Champlain, nearly opposite Ticonderoga, it would equally command both communications, with this advantage, that the militia of the northern colonies are more at hand for immediate succor, may all march by land to the post, and attempt to raise a siege."

Early in July Generals Schuyler and Gates, having occasion to go to Crown Point, took Colonel Trumbull across the lake to inspect the site of the proposed fortifications, and the latter made such a favorable report that at a council of general officers held on July 7, "it



was unanimously resolved to take post there." Colonel Trumbull in describing this location, said: "At the northern point it runs low into the lake, offering a good landing place; from thence the land rose to an almost level plateau elevated from fifty to seventy-five feet above the lake, and surrounded on three sides, by a natural wall of rock, everywhere steep, and sometimes an absolute precipice sinking to the lake. On the fourth and eastern side of the position ran a morass and deep creek at the front of the rock, which strengthened that front, leaving room only by an easy descent, for a road to the east, and to the landing from the southern end of the lake. We found plentiful springs of good water, at the foot of the rock. The whole was covered with primeval forest."

Writing to General Washington on this subject, General Schuyler said: "On the 9th we went over the ground for the intended post on the east side, which we found so remarkably strong as to require little labor to make it tenable against a vast superiority of force, and fully to answer the purpose of preventing the enemy from penetrating into the country to the south of it."

General orders issued at Ticonderoga on July 13 directed Captain Stevens of the artillery to encamp with his company "near the landing on the east side of the lake, where all the artillery, stores, etc. are to be landed." The Pennsylvania regiments were directed to encamp "upon the new ground" July 16, where Colonel St. Clair and Colonel Wayne were to lay out the encampment. Orders were issued on July 22 to the three brigades commanded by General Arnold, Colonel Reed and Colonel

Stark to encamp as soon as possible upon the ground allotted them upon the heights. General orders issued at Ticonderoga on July 30, showed that three of the four brigades at that place were stationed at Mount Independence, on the east side of the lake, in the present town of Orwell, Vt. As a result of the clearing of the forest and the exposing of the soil to the hot summer sun, a fever became prevalent, said to resemble the yellow fever, which sometimes proved fatal in two or three days.

Schuyler was so well pleased with the strength of Mount Independence, that in writing to Washington July 24, 1776, he said: "Can they (the enemy) drive us out of the strong camp on the east side? I think not. I think it impossible for twenty thousand men to do it, ever so well provided, if the camp consists of less than even a quarter of that number, indifferently furnished, such is the natural strength of the ground."

In accordance with a resolution of the Continental Congress, a general hospital was erected on Mount Independence. The summit of that mountain is a table-land and here at a later date, a strong, star-shaped fort was erected, surrounded by pickets. In the center was a square of barracks.

By direction of General Gates, a road was cut from the west side of Mount Independence to join the road at Castleton, and a good bridge was constructed across the Otter Creek at Rutland. This work was performed under the direction of Lieut. Col. John Barrett of the Cumberland county militia.

The occasion of the naming of Mount Independence bears a direct relation to the birth of the American nation. The *Boston Gazette* of August 29, 1776, printed an extract from a letter which said: "We hear from Ticonderoga that on the 28th of July, immediately after divine worship, the Declaration of Independence was read by Colonel St. Clair, and having said 'God save the free independent States of America!' the army manifested their joy with three cheers. It was remarkably pleasing to see the spirits of the soldiers so raised after all their calamities, the language of every man's countenance was, Now we are a people! we have name among the states of this world." Probably this date should be July 18, when a courier arrived with news of the adoption of the Declaration of Independence. A salute of thirteen guns was fired and the neighboring eminence was christened Mount Independence.

During the summer and fall of 1776, the greater part of the army at Ticonderoga was engaged in throwing up intrenchments, mounting guns, and securing provisions. General Gates had been in command of this post upon the return of the army from Canada, and General Sullivan, who had conducted the retreat from the north in a manner that displayed great skill and bravery, being displeased at the honor accorded Gates, at his expense, left in disgust for New York and Philadelphia.

Early in September the barracks and parade ground were finished. The intrenching tools were so few that it was necessary to divide the men into shifts that the tools might not be idle at any time. The works were completed in November, 1776, under the direction of



Colonel, later General, Wayne. Among the troops were men from New York, Pennsylvania, New Jersey, New Hampshire, Massachusetts, Connecticut, and the New Hampshire Grants. The Massachusetts troops came by way of Springfield (Vt.), Rutland, Castleton, and Skenesborough.

A letter written from Mount Independence by Col. Samuel Wigglesworth, to the New Hampshire Committee of Safety, as late as September 27, 1776, shows that conditions were still deplorable. In his letter he says: "Gentlemen, I wish you could transport yourselves to this place for a moment to see the distressed situation of these troops. \* \* \* There are no medicines of any avail in the Continental chest; such as there are in their native state unprepared; no emetick nor cathartick; no mercurial nor antimonial Remedy; no opiate or elixir, tincture, nor even any capital medicine. It would make a heart of stone melt to hear the moans and see the distresses of the dying. \* \* \* Now, Sirs, think how much more unhappy and distressed the conditions of these troops would be should the enemy attack our Lines."

Rum containing four pounds of gentian root and two pounds of orange peel to a hogshead was served to the men, and when these ingredients were not available the physicians suggested as a substitute snakeroot, dogwood and centaury.

In time, however, conditions improved. The small-pox gradually was conquered, and, although there was some fever and ague, the health and spirits of the men showed a great change for the better. Fresh beef and

mutton added a pleasant variety to a salt pork diet and the distress caused by lack of tents was alleviated, in a measure at least, by the arrival of one hundred thousand feet of boards for purposes of shelter.

It is certain that the soldiers of this army deserved relief from conditions that often were almost intolerable. The sufferings of the army in Canada, and for several months after their return to Crown Point and Ticonderoga, deserve to rank with the privations endured by Washington's troops at Valley Forge.

The necessity of constructing a fleet if the mastery of the lake were to remain in the hands of the Americans was apparent to all. General Gates selected Gen. Benedict Arnold to have charge of naval operations, and wrote Washington as follows concerning the choice: "As soon as all the vessels and gondolas are equipped, General Arnold has offered to go to Crown Point and take command of them. This is exceedingly pleasing to me; as he has a perfect knowledge of maritime affairs, and is, besides, a most deserving and gallant officer."

General Schuyler, on May 7, 1776, had ordered Jacobus Wynkoop, a captain in the Continental service, to proceed immediately to Ticonderoga and take command of "all the vessels on Lake Champlain"—not an imposing flotilla, by any means—and with the greatest expedition to put them in the best condition possible for immediate service. There is no evidence that any task of importance was performed by Captain Wynkoop, but he did mention in a memorial to Congress, that he expected the appointment of "Commodore of the Lakes." When Gates appointed Arnold to command the ships on

the lake there was trouble at once. Wynkoop refused to take orders from Arnold, and maintained that he had received no notice of the appointment of a successor. After some sharp correspondence General Gates issued an order on August 18, directing that Wynkoop should be arrested and taken to headquarters at Ticonderoga as a prisoner. Gates sent him on to Albany, where he contented himself in writing to Congress concerning his troubles.

Governor Trumbull of Connecticut, on July 29, had this to say of the American strength on Lake Champlain: "How they maintain their naval supremacy, I must confess myself much at a loss. They build a gondola, perhaps one in a week; but where are they to find rigging for them—where the guns? To be sure they have a great train of artillery, but very few of them mounted on carriages; at present their materials and conveniences for making them are very slender. They have neither places fit for them to work in, nor materials in that plenty that they ought to have. To oppose the enemy on the lake they have a schooner of 12 carriage guns, a sloop of 8 guns, two small schooners to carry 4 to 6 each, and three gondolas, and the large schooner is now in good sailing order and about to take a trip down the lake to make discovery. The sloop is a most unmanageable thing, it is impossible to beat up against a wind in her. The two small schooners are not armed—and even the carriages of their guns are yet to be made."

Arnold brought to the task of preparing the best possible fighting squadron the same energetic qualities that

he had displayed in the Quebec campaign. The New England seaports were called upon to furnish ship carpenters and naval stores. It was necessary to fell the trees in the woods and drag the timber to the ship yards at Skenesborough. Most of the stores and ammunition for the fleet were conveyed overland, by roads that were nearly impassable. The vessels, when built, were brought to Ticonderoga and Crown Point to be equipped with sails, armament, and stores.

General Gates wrote to John Hancock on August 6: "In a week our fleet will, I am told, be in a condition to make sail down the lake. General Arnold proposes to post them so as to command some narrow pass, opening into a broad part of the lake, either near the Split Rock, or Isle-aux-Motte."

At this time the fleet was made up as follows: Schooner *Royal Savage*, Captain Wynkoop, twelve guns, fifty men; sloop *Enterprise*, Captain Dickson, twelve guns, fifty men; schooner *Revenge*, Captain Seaman, eight guns, thirty-five men; schooner *Liberty*, Captain Primmer, eight guns, thirty-five men; gondola *New Haven*, Captain Mansfield, three guns, forty-five men; gondola *Providence*, Captain Simmons, three guns, forty-five men; gondola *Boston*, Captain Sumner, three guns, forty-five men; gondola *Spitfire*, Captain Ulmer, three guns, forty-five men.

Two weeks later there had been added to the armed vessels under American control on Lake Champlain, the gondola *Philadelphia*, Captain Rue, three guns, forty-five men; the gondola *Connecticut*, Captain Grant, three guns, forty-five men; the gondola *Jersey*, Captain



Grimes, three guns, forty-five men; the galley *Lee*, Captain Davis, six guns, fifty men. At this time General Arnold had assumed command of the *Royal Savage*.

In writing to Governor Trumbull of the naval strength on Lake Champlain, General Gates said, under date of August 11: "This is a naval force, when collected, that promises to secure the command of Lake Champlain."

The British were as active at St. Johns as their opponents were at the southern end of the lake. During the summer of 1776, ship carpenters had been busy under the direction of Capt. Charles Douglas, in constructing a fleet with which it was expected the mastery of this important waterway might be regained. The planking and frames of two schooners were taken apart at Chambly and transported by land around the rapids of the Richelieu, to St. Johns, where they were reconstructed. Douglas found under construction at Quebec the hull of a ship of one hundred and eighty tons. He took this apart nearly to the keel and shipped it to St. Johns on thirty long boats, which, with a gondola of thirty-two tons, several flat-bottomed boats and four hundred bateaux were drawn up the rapids.

Arnold left Crown Point on August 24 with his hastily constructed war craft, anchoring at Willsboro the night of the twenty-fifth. That night a violent northeast storm arose, and the next afternoon the American commander was compelled to weigh anchor and return to Button Mould Bay, on the Ferrisburg shore, where the whole fleet arrived the same evening, with the exception of the *Spitfire*, which rode out the storm off the Willsboro shore. Arnold left Button Mould Bay

at noon on September 1, reaching Willsboro the same night. He anchored at Schuyler Island the night of September 2, and arrived at Windmill Point, near the northern end of the lake, on September 3. It was found that the British occupied Isle-aux-Tetes, four or five miles beyond Windmill Point, and several hundred of the enemy, who were encamped in that vicinity, made a precipitate retreat the same evening that the American fleet arrived. Attempts were made to decoy some of Arnold's ships beyond the point of safety, but without success. Scouting parties were sent out on both sides of the lake on September 5 and 6, respectively, to gain intelligence.

The guard boats were posted about a mile below the anchorage at Windmill Point. A boat containing eighteen men, and commanded by a Sergeant, was sent ashore on September 6 to cut fascines to fix on the bows and sides of the gondolas, in order to prevent the enemy from boarding. The men placed their guns against a rock, two men being posted as sentries, and proceeded with their task. Before they had fairly begun work an Indian was seen within half a stone's throw, who hailed the Sergeant. Being asked to give an account of himself the Indian replied that he was a Caughnawaga. Suspecting trouble, the men ran for their boat and pushed off as quickly as possible, a band of savages following so closely that the Americans narrowly escaped being tomahawked. The boat was armed with a small cannon, loaded with shot, and this the Sergeant attempted to discharge, but the Indians fired, cutting the lighted match out of his hand. The men on board fired

in return and rowed back to the ships in great haste. The guns of the fleet were fired into the woods and the Indians fled. In this skirmish the American casualties were three men killed and six wounded.

The firing was heard at Crown Point, and Gates was notified. Supposing that a battle with the British fleet was in progress, Gates, in turn, notified Schuyler, at Albany, who ordered out a considerable number of the militia. This order was revoked as soon as the nature of the affair was learned. On the morning of the skirmish Arnold was reinforced by the arrival of the galley *Lee*, carrying six guns, and the gondola *Connecticut*, with three guns.

The British began the erection of batteries on either side of Arnold's position on the night of September 7, causing him to retire farther south. As the schooner *Liberty* was proceeding to her anchorage she was hailed from the shore by a Canadian, who asked to be taken on board. The Captain sent a boat toward the shore with orders to be ready to fire at any indication of treachery. The Canadian waded out about a rod but refused to go farther. As the boat's crew declined to go so near the land the man made a signal, when a party of three hundred Canadians and Indians, concealed on the shore fired, wounding three of the crew. The fire was returned and the schooner discharged several broadsides of grape.

Arnold anchored his fleet off Isle La Motte on September 8. From that station he wrote to Gates on September 18, saying: "I intend first fair wind to come up as high as Isle Valcour, where is a good harbour, and

where we shall have the advantage of attacking the enemy in the open lake where the row galleys, as their motion is quick, will give us a great advantage over the enemy; and if they are too many for us we can retire.

\* \* \* I beg that at least one hundred good seamen may be sent as soon as possible. We have a wretched, motley crew in the fleet; the marines the refuse of every regiment, and the seamen few of them ever wet with salt water. We are upwards of one hundred men short your complement."

Having sounded the channel between Valcour Island and the New York shore, and found the anchorage to be a good one, the American fleet took position there on September 23. A few days later Arnold was reinforced by the arrival of the galley *Trumbull*, Captain Warner commanding. General Waterbury, who had been appointed second in command, arrived with the galleys, *Washington*, Captain Thacher, and *Congress*, Captain Arnold, on October 6. The *Liberty* had been sent to Crown Point for supplies and an eight-gun galley was receiving her armament at Ticonderoga. With these exceptions, the entire American fleet was assembled at Valcour. The crew consisted of about five hundred men, mostly soldiers from the army. Arnold had hoped for New England seamen with which to man his ships, but they were not provided.

Sir Guy Carleton left St. Johns on October 4 with a fleet consisting of the *Inflexible*, an eighteen-gun ship reconstructed in twenty-eight days, Lieutenant Schwenk commanding; the schooner *Maria*, Lieutenant Stark, fourteen guns; the schooner *Carleton*, Lieutenant



Dacres, twelve guns; the flat-bottomed rideau, *Thunderer*, Lieutenant Scott, fourteen guns; and the gondola *Loyal Consort*, Lieutenant Longcroft, seven guns. In addition there were twenty gunboats, each carrying a brass field piece, while four long boats, each armed with a carriage gun, served as tenders. Twenty-four long boats carried provisions. Capt. A. T. Mahan, the naval historian, says the British had forty-two available guns, while Arnold had a total of thirty-two cannon, of smaller calibre than the ordnance of the enemy.

The British ships were manned by six hundred and seventy seamen from the St. Lawrence fleet, in addition to a number of soldiers and artillerymen, while a party of Indians, in canoes, accompanied them. To Capt. Thomas Pringle was given the command. Although Sir Guy Carleton accompanied the expedition, he did not attempt to direct naval operations. In numbers, both of ships and men, as well as in armament and equipment, the British fleet was much superior to the American squadron. Sir George Otto Trevelyan, English historian and statesman, says that "compared with Carleton's vessels, the American sloops and galleys were mere cock-boats."

At Point au Fer, Pringle had stopped and a block-house had been erected, four companies being left to garrison and defend it. On the night of October 10, the fleet anchored between Grand Isle and North Hero. The next morning the ships continued along the Grand Isle shore, having heard that the Americans were in that vicinity. No scout boats had been sent out, and Valcour

Island being high, Arnold's position was not discovered until the island had been passed.

General Waterbury desired to go out and meet the enemy, but Arnold preferred to hold the position he had taken. It was eight o'clock on Friday morning, October 11, when the British ships were sighted, but some time was consumed in tacking from the leeward, or rowing up to the channel where the little American fleet was stationed.

The woods on Valcour Island and on the mainland were filled with Indians, who kept up a constant rifle fire, but their aim was so bad that little harm was done. To protect the decks from this fire Arnold had erected rude barricades of fagots.

Captain Pringle experienced no little difficulty in bringing his ships into action, so that it was eleven o'clock before the British commander was able to open fire with his gunboats upon the *Royal Savage*, which, with the galleys, had advanced a little distance in front of the battle line formed by the rest of the squadron. The schooner *Carleton* was the first of the enemy's ships to come to the aid of the smaller craft. She was anchored with a spring on her cable. The American fire was centered on this ship. Her commander was knocked senseless, another officer lost an arm, and the command devolved upon Edward Pellew, afterwards Lord Exmouth, then a boy nineteen years old, and here he won his first laurels as a naval officer. The *Carleton's* spring was shot away and she swung around, bow on, her fire being silenced. Pellew exposed himself reck-

lessly and in a place of great peril succeeded in extricating his ship.

By poor management, early in the action, the crew of landsmen permitted the *Royal Savage*, Arnold's flagship, to fall to the leeward, where she sustained a heavy fire, her masts being damaged and her rigging shot away. Soon she was run aground on the point of Valcour Island, all on board escaping safely. That night she was boarded by the enemy and set on fire. All of Arnold's papers and most of his personal effects were lost. The *Royal Savage* was the only vessel in Arnold's fleet really in a class with the British ships. The American commander transferred his flag to the *Congress* which has been described as "nothing more than a rowing galley with mast and sails."

At twelve thirty o'clock the engagement became general and continued at close range until five o'clock, round and grape shot being used in a very hot fire. The British ships, with the exception of the *Inflexible*, which did not get into action until late in the afternoon, and all of their gondolas, fought within musket range of the American craft. At five o'clock they withdrew to a distance of six hundred or seven hundred yards and continued firing until darkness put an end to the engagement. The *Washington* of Arnold's fleet, received several cannon balls through her hull, her mainmast was shot through and her sails were riddled. General Waterbury was the only active officer left on board at the close of the action, the First Lieutenant having been killed and the Captain and Master wounded. The *Congress* was hulled twelve times, she received seven shots "between wind and

water," her mainmast was damaged in two places, and her yard in one, and the rigging was shot to pieces. With his own hands Arnold pointed most of the guns on the flagship, and in the thick of the fight found time, by word and deed, to encourage the men on board. All the officers on the gondola *New York* were killed except Captain Lee. The *Philadelphia* was hulled in so many places that she sank about an hour after the battle closed. The American losses in killed and wounded amounted to sixty. Arnold had reason to congratulate himself that his fleet was not utterly annihilated.

The British fleet was considerably damaged. Eight men were killed, and six were wounded on the *Carleton*. Two gunboats were sunk and one was blown up with a considerable number of men, the loss being estimated as low as twenty and as high as sixty men, although the smaller number, probably, is much nearer the truth than the larger. A British artillery boat commanded by a German Lieutenant was sunk.

As evening came on the British ships withdrew a little distance, in order to secure advantageous positions for the morrow, and anchored just beyond the range of Arnold's guns. The *Thunderer* held the right of the line near Garden Island, while the *Maria* held the left near the New York shore. Between were the *Loyal Consort* and the formidable ship *Inflexible*. The *Carleton* and the gunboats occupied positions between the other ships.

At the close of the battle Arnold called a council of war. His fleet was seriously crippled, most of his officers were killed or disabled, and three-fourths of his



ammunition had been spent. To continue the fight another day meant annihilation or surrender. Arnold, therefore, determined to risk the attempt of a retreat, although the chances were heavily against success. The channel close to the west shore, however, had not been carefully guarded.

The darkness had fallen early on that October night, and with it came a mist that aided the American plans for retreat. At seven o'clock Colonel Wigglesworth, with the *Trumbull*, led the way, with no lights visible save a stern lantern, so masked that it could be seen only by the ship immediately in her wake. The *Enterprise*, the *Lee*, and the gondolas followed. At ten o'clock General Waterbury, with the *Washington*, and General Arnold, with the *Congress*, brought up the rear. Silently and successfully the crippled American fleet slipped out of the net drawn around it by the enemy; and on Saturday morning, to his surprise, the British commander found no ships to fight or capture. In a report to the President of Congress General Waterbury said of this escape that it "was done with so much secrecy that we went through them entirely undiscovered." Sir Guy Carleton was in a rage, and the pursuit was begun in haste.

Arnold had proceeded nine miles up the lake, as far as Schuyler Island, not far from the present location of Port Kent. Here he was compelled to repair his shattered fleet; otherwise, as a result of his brilliant manœuvre, he might have reached Crown Point in safety. Two gondolas or armed barges were so badly damaged that it was necessary to sink them.

The British ships did not discover Arnold's position on the morning of October 12, and returned to Valcour Island, remaining there until night, when scouts reported that the American fleet had been sighted. Having stopped the worst leaks and made other necessary repairs, under adverse conditions, Arnold set sail for Crown Point at two o'clock on Saturday afternoon, October 12. A south wind was blowing and Arnold's ships when at their best never made good progress in beating against the wind. Although the oars were used, the crew, wounded and weary, made slow progress.

Tradition says that on the morning of October 13, in the mist of the early dawn, an object was sighted near Providence Island which was supposed to be one of Arnold's ships and one or more of the British vessels opened fire. It proved, however, to be a large rock, and thereafter, in derision, it was called Carleton's Prize.

The fog lifted on Sunday morning and about noon Arnold's fleet was overtaken a little to the south of the point where the Boquet River empties into the lake, and not far from Split Rock.

The *Washington*, badly damaged in the first battle, was limping along in the rear and was the first of the American vessels to be overtaken by the *Maria* and the *Inflexible*. After a few broadsides she was compelled to strike her colors. Then for two hours and a half a running fight was waged, round and grape shot being hurled into Arnold's flagship, the *Congress*. A spirited defence was made by the Americans as they endeavored to reach the protection of the guns at Crown Point. The *Inflexible* and two schooners paid special attention

to the *Congress*, two under her stern and one on her broadside. The sails and rigging were torn to pieces and the hull was shattered. That she remained afloat, and able to fight for several hours against such terrible odds is one of the wonders of American naval history. A First Lieutenant and three men on the *Congress* were killed. Fighting desperately, with splendid skill and courage, Arnold almost reached his desired haven, but when ten miles north of Crown Point he saw that further resistance was impossible with his riddled, sinking ships. Determined that he would not surrender he ran the *Congress* and four gondolas into the mouth of a creek, flowing into a bay on the Panton shore, on the east side of the lake, known thereafter as Arnold's Bay. The water was too shallow for the larger British craft to pursue. Here the small arms were removed and the ships were set on fire, their colors still flying, and were burned to the water's edge. Arnold was the last man to leave the fleet. Staying on board until he was sure the flames would do their work he climbed along the bowsprit and dropped to the beach. The flag borne by the American fleet in this contest consisted of alternate red and white stripes like those of the present flag, and the British Union Jack on a field of blue.

Leading his men through the forest, Arnold arrived at Crown Point at four o'clock on Monday morning, October 14, where he found the sloop *Enterprise*, the galley *Trumbull*, and one gondola, which had arrived there the day before. The galley *Lee* had been run ashore and blown up near Split Rock, on the west side of the lake. The British had captured only the galley

*Washington* and the gondola *Jersey*, although the Americans had lost one schooner, two galleys and seven gondolas, ten vessels out of a fleet of fifteen. The killed and wounded numbered between eighty and ninety, more than twenty of the casualties being on Arnold's flagship. In a letter describing Arnold's conduct, Gates wrote to Schuyler: "Few men ever met with as many hairbreadth escapes in so short a space of time." The British loss, according to their own estimate, was forty, although their opponents placed the figures considerably higher. Lieutenant Dacres, who commanded the *Carleton*, was accorded the honor of bearing news of the victory to Lord George Germaine.

General Carleton ordered his surgeons to treat the American wounded with great kindness. The prisoners were brought on board his flagship, where he praised their bravery, treated them to grog, and sent them to Ticonderoga in charge of Captain, afterwards Sir James Craig, on giving their parole that they would not bear arms against Great Britain again until they should be exchanged. The prisoners were so enthusiastic over Carleton's humane treatment that it was not considered wise to allow them to land and sound the praises of the British commander in the ears of the American troops; therefore they were hurried on to Skenesborough the same night.

On the same day that Arnold reached Crown Point the works at that place, by no means formidable, were destroyed and troops and stores were removed to Ticonderoga. Carleton landed a force immediately, occupying both the east and west shores of the lake. He had



planned to proceed at once against Ticonderoga, but on the next day, October 15, a strong wind sprang up, and for eight days blew so hard that the British ships were windbound. These days were invaluable to the American cause.

General Gates, commanding the army at Ticonderoga, had assembled about twelve thousand men. While Carleton was delayed at Crown Point, the troops surrounded the American works with a strong abatis, and made carriages for and mounted forty-seven cannon.

Carleton repaired the fortifications at Crown Point and anchored three of his largest ships near Putnam's Point, in the vicinity of which a body of light infantry, grenadiers, and some Canadians and Indians were encamped. The woods were filled with reconnoitering parties of British troops, some of them going as far south as Lake George.

Between eight and nine o'clock on Monday morning, October 27, a few of the British boats, crowded with soldiers, approached Ticonderoga, and shots were exchanged with the shore batteries. Five large transports landed a detachment at Three Mile Point, and two armed boats approached the east shore. They were fired upon by a row galley, and retired. Another party of British troops was sent into a small bay about four miles below the works.

General Gates ordered the American defences to be manned, and directed that the three regiments from Mount Independence should reinforce the main garrison.

Col. John Trumbull says of this episode: "Ticonderoga must have had a very imposing aspect that day,

when viewed from the lake. The whole summit of cleared land on both sides of the lake, was crowned with redoubts and batteries, all manned with a splendid show of artillery and flags. The number of our troops under arms (principally, however, militia) exceeded thirteen thousand."

Having learned to his satisfaction that the Americans were capable of making a spirited defence at Ticonderoga, Carleton withdrew at four o'clock in the afternoon, and returned to Crown Point, where he made preparations to retire to Canada for the winter. The rear guard of the British army left the post on November 3, and the same day it was reoccupied by the Americans. General Reidesel, commander of the German troops, accompanied General Carleton on this expedition and in his "Memoirs" he noted the fact that on passing the bay where Arnold's ships were sunk, he observed British troops engaged in raising cannon and other sunken war materials. Carleton was criticized because he did not attack Ticonderoga at that time, and in Fonblanque's "Burgoyne," it is stated that "the English ministry were displeased with the unfruitful termination of the campaign."

General Gates wrote Col. Moses Robinson and Colonel Brownson of the militia of the New Hampshire Grants on November 9, thanking them for "the spirit and alertness" shown in marching to the defence of Ticonderoga, when it was threatened with an immediate attack from the enemy, and dismissing these troops with honor.

When Gates learned that Carleton had departed, he dismissed the militia, and with most of the regular

troops, departed for New Jersey to join Washington's army, Gen. Anthony Wayne being left in command.

Captain Douglas, under whose direction the British fleet had been constructed at St. Johns, sent a special message of the Lake Champlain victory to the British Ambassador at Madrid, "presuming," he said, "that the early knowledge of this great event in the southern part of Europe may be of advantage to His Majesty's service."

As rewards for the British naval triumph, General Carleton was made a Knight of the Bath, and Captain Douglas, a Baronet.

The battle of Lake Champlain was the first important naval engagement of the Revolution, and, although it must be counted an American defeat, yet, like the defeat of the American army at Bunker Hill, it was more than half a victory. It is true that the British loss was not so great as in the famous Massachusetts engagement; but the masterly skill displayed by Arnold against overwhelming odds, the steadiness and courage shown by the rank and file, demonstrated alike to friend and foe that the Americans were at least the equal, man for man, of any fighting force in the world. Seldom has the personality of a commander so dominated an entire body of fighting men as did the gallant spirit of Benedict Arnold, which seemed to possess the officers and men of the little American fleet in the battle of Lake Champlain.

What this American defeat on Lake Champlain really won for the national cause is best told by Captain Mahan, whose supremacy as an authority in matters of naval history is beyond question. In an article on "The Naval

Campaign of 1776 on Lake Champlain," he says: "That the Americans were strong enough to impose the capitulation of Saratoga was due to the invaluable year of delay, secured to them in 1776 by their little navy on Lake Champlain, created by the indomitable energy, and handled with the indomitable courage of the traitor, Benedict Arnold. That the war spread from America to Europe, from the English Channel to the Baltic, from the Bay of Biscay to the Mediterranean, from the West Indies to the Mississippi, and ultimately involved the waters of the French peninsula of Hindostan, is traceable through Saratoga, to the rude flotilla which in 1776 anticipated the enemy in the possession of Lake Champlain. \* \* \* Considering its raw material and the recency of its organization, words can scarcely exaggerate the heroism of the resistance which undoubtedly depended chiefly upon the personal military qualities of the leader. \* \* \* The little American navy on Lake Champlain was wiped out, but never had any force, big or small, lived to better purpose or died more gloriously, for it had saved the lake for that year. Whatever deductions may be made for blunders and for circumstances of every character, which made the British campaign in 1777 abortive and disastrous, and so led directly to the American alliance with France in 1778, the delay, with all that it involved, was obtained by the lake campaign of 1776."

Captain Mahan's testimony of the importance of the naval battle on Lake Champlain is corroborated by that of Sir George Otto Trevelyan, in his "American Revolution." The English historian says: "His (Arnold's)



fellow countrymen repaid his frankness (in reporting his losses) with almost universal approbation and gratitude. He had lost them a squadron which, but for his personal exertions, would never have been built; and he had lost it to some purpose. \* \* \* Carleton had unduly delayed his onward movement out of respect for the preparations which the Americans were making for his reception; and no English General after him would have consented to be hoodwinked unless it was clearly shown that those preparations, which had been so widely and ably advertised, were a reality and not a sham. Gunboats and galleys, in Arnold's view, were made to be expended just as much as cartridges; and any fate would be better for his ships than to skulk away in front of the British advance until they were hunted up against the shore at the head of Lake George, and there trapped and taken like so many wild fowl in a decoy. For most assuredly, even at that late season of the year, Carleton would not have halted short of Albany, or New York itself, if the Americans, whether on lake or land, had made the ignominious confession that they were afraid of fighting. \* \* \* It was something to know that a leader existed who was eager to hurl himself at the enemy, and fight an almost desperate battle as vigorously and obstinately as if victory were not a bare chance, but a cheerful probability. \* \* \* Arnold's example aroused an outburst of enthusiasm and martial confidence throughout the States, and most of all among those of his countrymen who were nearest to the danger."

Fortunate would it have been for the fame of Benedict Arnold if a kind Providence had decreed that a British bullet should have pierced his heart as he stood on the Panton shore, watching the flames consume the American colors, which he had saved by desperate bravery from the humiliating fate of being lowered to a victorious foe. Then he might have been enshrined as one of the immortal heroes of our national history.

CHAPTER XVII

BURGOYNE'S INVASION





**F**OR many months before Burgoyne invaded the Champlain valley, the people of the New Hampshire Grants had realized the danger of their exposed condition. During the summer of 1776, the Committee of Safety of Cumberland county petitioned the Massachusetts Assembly for a supply of ammunition, and the Commissary General was ordered to deliver to Maj. Abijah Lovering sixty pounds of powder, one hundred and twenty pounds of lead, and one hundred flints, "he paying for the same at the stated price." A petition of a similar nature from the town of Cavendish was granted by Massachusetts.

The danger was greater, however, on the northern frontier. Lieut. Col. Joseph Wait certified on September 1, 1776, that "the most advantageous post on Onion River for the posting of six companies of men, raised for the defence of the frontier, is at Jericho, at Baker's blockhouse (at Winooski Falls) and at Colchester Point." On the same day the commander of a company raised by Capt. Jonathan Fassett was directed to maintain a post at Jericho. A party of Indians came within one mile of Deacon Rood's home at Jericho on September 25, and captured a man and his two sons. About the same time that day another band of Indians was discovered seven or eight miles distant.

When the presence of the enemy became known to the members of Captain Fassett's command, who were working on the defences at Jericho, at Deacon Rood's home, they paraded and determined to leave, only five or six men being willing to stay. An attempt was made to persuade them to remain at their post until word

could be sent to General Gates, but to no avail. It was argued that General Gates did not know the situation, and they declared "they had as good die one way as another." That night they withdrew across the river one mile and a half to Williston, where they remained several days. While at Williston the mutinous troops made proposals to their officers, and a council of war was held on September 28, at the home of Col. Thomas Chittenden, attended by Capt. Jonathan Fassett, president, Capt. John Fassett, Lieut. Rufus Perry, Lieut. Jonathan Wright, and Lieut Matthew Lyon, clerk.

The proposals made were as follows:

"Firstly. That the officers take their command in their proper stations in the following towns, viz.: That they will immediately march the men off Onion River to the southward to some place on Otter Creek, in order to defend the frontiers on the New Hampshire Grants, which was, as they supposed, the extent of their being raised, and the General's being requested to encourage the raising them.

"Secondly. That they will resign the command on no other terms.

"Thirdly. That the officers may have half an hour to consider of those proposals.

"Fourthly. That in case the officers shall refuse those proposals, that each soldier will immediately march to his respective house."

The officers agreed to accept the terms on condition that the leaders of the mutiny should be surrendered for purposes of justice, and they sent Capt. John Fassett to treat with the mutineers, who rejected the terms, say-

ing that at the risk of their lives they would not deliver their leaders, the action of the men having been unanimous.

The officers then acceded to the terms proposed, "having taken into consideration the poor, weak situation we are in—officers without soldiers, and soldiers without officers, in an enemy's land—savages all round us," to quote from the account of the episode sent to General Gates by Lieut. Matthew Lyon. From Williston the detachment marched to Monkton.

When Lyon reported to General Gates that officer "damned him for a coward" and ordered him under arrest. A court martial was held, on October 16, at which General St. Clair presided, and rendered the following decision: "The court having duly considered the evidence for and against the prisoners, are of opinion that Capt. Jonathan Fassett, Capt. John Fassett, Lieut. Jonathan Wright and Matthew Lyon, are guilty of deserting their post without orders, or without being attacked or forced by the enemy; and that they are also with Lieut. Rufus Perry, guilty of a breach of the sixth article of war, and so adjudge that the said Jonathan Fassett and John Fassett, Lieutenant Wright and Lieutenant Rufus Perry and Lieut. Matthew Lyon, be cashiered, forfeit all their pay (to be appropriated towards making good the damages sustained by the inhabitants on Onion River on account of their unsoldierlike retreat) and that they be, and that each of them are hereby declared to be incapable of ever hereafter holding any military commissions or employment in the service of the United States

of America, and that their names and crimes be published in the newspapers.”

The court found sixteen persons guilty of mutiny and four not guilty. Corp. John Whitley was reduced to the ranks, and he, Amos Fassett and Samuel Smith were sentenced to receive thirty-nine lashes each on the bare back, and be imprisoned one week picking oakum. The others were to be imprisoned one week at the same task, after receiving twenty lashes each on the bare back. This sentence was approved by General St. Clair, with directions that it be put into execution immediately.

In July of the following year, upon the recommendation of General St. Clair, Lyon was restored to the army by General Schuyler, who appointed him Paymaster of a Continental regiment commanded by Seth Warner. The soldiers sentenced by court martial were released on the approach of General Carleton. It was Lyon's contention that the ordering of the troops to Jericho was in response to the urgent plea of certain speculators who had bought for a trifle the crops on the northern frontiers abandoned by the owners, and desired protection. On the other hand, Pliny H. White, a careful student of Vermont history, in an address delivered in 1858, said that some of the officers stationed at Jericho did not scruple to suggest to the soldiers that if they should mutiny and march off, the officers would be under no obligation to remain at Jericho. In any event the episode was a disgraceful one, and furnished another illustration of the lack of subordination which added so materially to the trials of Washington and his subordinate officers during the American Revolution.



Col. Timothy Brownson, on October 23, wrote General Gates that he was detained at Castleton by rumors of "a cursed plan a laying by the Tories below." This plan seems to have been that the people were to be lulled to a false sense of security by General Carleton, who was to allow the northern settlers to "continue on their farms in peace." Brownson adds: "We must return and put another spur to their sides. Shall return about forty or fifty miles, as the Tories begin to grow very bold."

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General Schuyler, knowing that "the evil day" merely was postponed, and that another season would witness a formidable British invasion by way of Lake Champlain, was active in attempting to prepare for an attack. Again and again he called the attention of Washington and of Congress to the needs of the northern department. He also labored to conciliate the Indians, and to keep informed regarding the movements of the enemy.

The garrison at Ticonderoga was not large, and some apprehension was felt lest a British expedition might take advantage of the frozen surface of the lake to make a winter attack upon the American works. Carleton, however, made no such attempt. Although normally the garrison numbered about two thousand, five hundred men, the number soon was reduced by sickness to one thousand, seven hundred.

Wayne wrote the Pennsylvania Council of Safety, on December 4, concerning the garrison: "The wretched condition they are now in for want of almost every necessary convenience of life, except flour and bad beef, is shocking to humanity, and beggars all description. We have neither beds nor bedding for our sick to lay

on or under, other than their own clothing; no medicine or regimen suitable for them; the dead and dying mingled together in our hospital, or rather house of carnage, is no uncommon sight." On the same day Col. Joseph Wood also wrote to the Council, saying that although requisition had been made for thirteen thousand men, only nine hundred pairs of shoes had been supplied, and that at least one-third of the poor wretches were obliged to do duty barefooted. He voiced his indignation by saying: "This is shocking to humanity; nay, it cannot be viewed in any milder light than black murder."

It was indeed fortunate for this American garrison that the attack feared from the north, over the ice of Lake Champlain, was not made at this time.

During this period there were "fightings within" as well as "fears without." On the night after Christmas, December 26, a Pennsylvania officer stationed at Ticonderoga, while partially intoxicated, assaulted a Massachusetts Colonel, and this affair led to a riot, in which the Pennsylvanians taunted the "Yankees," and fired upon the Massachusetts men, wounding several. The matter was not made the subject of a court martial and a reconciliation was effected by means of a dinner, a time-honored expedient. The Pennsylvania officer sent his men into the woods on a hunting expedition, where they killed a fat bear. Bruin formed the *piece de resistance* of a banquet to which the insulted Massachusetts Colonel and his officers were invited; the invitation was accepted, the bear was eaten, and harmony once more reigned in the American camp.

Wayne wrote to Schuyler on February 13, 1777, that a scouting party had secured information showing that there were five hundred British troops at St. Johns; three hundred at Isle aux Noix, with a battery of twelve guns; and twenty at Point au Fer. At le Gran Isle (Grand Isle) they found one hundred Indians and a few regulars, part of the force being posted on the west shore of the lake. On April 13, Wayne wrote from Ticonderoga that three days before a strong party of the enemy was discovered at the group of islands in the lake known as the Four Brothers.

Gates and Schuyler did not get on well together, and there was a question as to whom the command in the Champlain valley belonged. This was settled in Congress on May 22, when Schuyler was elected commander of Albany, Ticonderoga and Fort Stanwix, and their dependencies, by a majority of one State. When Gates received the news he started for Philadelphia to pull the wires for reinstatement.

To Gen. Arthur St. Clair, called the best of the Brigadiers in the North, was assigned, by General Schuyler on June 5, the active command of Ticonderoga. St. Clair, a Scotchman by birth, traced his line of descent from a noble family, and was a kinsman of Gen. Thomas Gage, who commanded the British troops in Boston at the outbreak of the American Revolution. Securing a commission in the army, St. Clair won commendation for his services at Louisburg, under Amherst. He was with General Wolfe at the capture of Quebec, and on the Plains of Abraham he seized the colors from the hand of a dying soldier and carried them to victory. Allied by marriage with the family of Governor Bow-

doin of Massachusetts, he had acquired a large property in Pennsylvania and was accounted a wealthy land holder at the outbreak of the Revolution. Joining the American army, he served in the Canadian campaign, and was with Washington in New Jersey during the winter of 1776-77. A man of polished manners, of superior talents, and of upright character, he came to his new task highly recommended for the responsible position.

St. Clair arrived at Ticonderoga on June 12. His estimate of the adequacy of the garrison is expressed as follows: "Had every man I had been disposed of in single file on the different works, and along the lines of defense, they would have been scarcely within reach of each other's voices; but Congress had been persuaded that the enemy would make no attempt in that quarter, and such a number of men only as were judged to be sufficient for completing the works that had been projected, were assigned to me. Those two thousand, half armed and ill equipped every way, I found arranged into many regiments, with their full complement of officers, and three Brigadiers."

With the coming of the summer, and the expectation that the British would attack the fort, great exertions were made to strengthen the works, which had been laid out by Thaddeus Kosciusko, the Polish patriot. Apparently the portion of the fortifications on the Vermont side, at Mount Independence, received the most attention, and really constituted the most important part of the Ticonderoga defences.

To connect the works on opposite sides of the lake, a floating bridge, four hundred yards long, was con-



structed, supported by twenty-two sunken piers made of large timbers. The spaces between these piers were filled with separate floats, each about fifty feet long and twelve feet wide, strongly fastened together with iron chains and rivets. On the north side of the bridge was a boom constructed of large timbers riveted together; and by the side of this boom a double iron chain, the links of which were an inch and a half square. This barrier was supposed to make the passage of a British fleet impossible, and was erected at great expense.

At the foot of Mount Independence, toward the lake, a breastwork had been thrown up, and this was strengthened by an abatis and a strong battery near the mouth of East Creek. The old French lines west of the fort had been strengthened and were guarded by a blockhouse. Half a mile in front of the French lines a small fort on Mount Hope protected the extreme left, while redoubts and batteries were placed in the low lands below the fort. An outpost was established at the old sawmills, one on the rapids at the outlet of Lake George, and another just above that place. At the northern end of Lake George a hospital and blockhouse were erected.

Mount Defiance, seven hundred and fifty feet high, which commanded the outlet of Lake George and the entire works, was left unfortified, as it was supposed that it would not be possible to occupy that eminence.

The defences had been planned on a large scale, extending for more than two miles and a half in the form of a crescent, and needed at least ten thousand men to defend them. To man these works St. Clair had about two thousand, eight hundred regulars and nine hundred raw and undisciplined militia, poorly armed and

equipped, eight out of every nine men being without a bayonet. It was expected that an assault would be made upon the works, and among the weapons of defence provided were poles about twelve feet long with sharp iron points, designed to be used in repelling an attacking force.

Congress authorized Washington to call upon the Eastern States to raise and forward regiments for the defence of Ticonderoga. Following these instructions he wrote the President of the New Hampshire State Council on May 3: "You must be fully sensible of the vast importance of what is depending and the almost irreparable consequences that would result, should any misfortune happen to the post now threatened, as the loss of it would open an avenue for easy progress into the Eastern States; to prevent which it might probably be some time before an adequate force could be opposed. The pressing emergency of the occasion calls loudly for every effort in your power."

Gen. John Burgoyne was chosen in March, 1777, to command the Northern British army. He was an officer of considerable experience, who had won laurels in Portugal, a polished gentleman, a writer of plays, and a member of Parliament; but he did not understand the situation in America with anything like the thoroughness of Sir Guy Carleton's comprehension of the subject, and his appointment generally was considered a slight upon the Governor of Canada. Nevertheless, Carleton cooperated in every way possible to make the expedition by way of Lake Champlain a success. He kept the British squadron in repair, trained the regulars in man-

œuvres suitable for forest warfare, and reserved only a small garrison to guard the Canadian posts.

The regular troops numbered rather more than four thousand men, and all were seasoned veterans. Gen. Simon Fraser, one of the three brigade commanders, had served under Wolfe at Louisburg and Quebec. Of General Phillips, who had won fame in the German wars, it is said: "It may well be doubted whether a better artillery officer, in quarters or on the field, ever held a commission." Lord Balcarras was a Colonel of light infantry, and although only thirty-five years old, had been in the service for twenty years.

The grenadiers were under Maj. John Dyke Acland, "heir apparent to the greatest family of English land owners, who have consented to remain commoners." He was a member of Parliament, and a cousin of Charles James Fox by marriage. The light infantry and grenadiers were said to be such a body of men as "could not be raised in a twelvemonth, search England through." The Indians, of whom there were about five hundred, having been allured to the British camp by the prospect of unlimited quantities of rum and the possibility of getting scalps, were commanded by La Corne St. Luc, whose name was a terror to the colonies, and a synonym of savage barbarity. There were also a few Canadian militia.

Part of Burgoyne's force consisted of more than three thousand German troops, not all of them, properly speaking, Hessians, as they have been called, many being Brunswickers. They had been secured by conscription from the Landgrave of Hesse and the Duke of Brunswick, and came to England poorly clothed and shod.

They sailed for America without overcoats and suffered much from the rigors of a Canadian winter, and from homesickness. Fredrich Adolph von Reidesel was the principal German officer. He had been specially selected for his military experience, which covered a long period including the Seven Years' War.

Justin Winsor says the army was made up of four thousand one hundred and thirty-five British soldiers, three thousand one hundred and sixteen Germans, one hundred and forty-eight Canadians and five hundred and three Indians, a total of seven thousand nine hundred and two. Winsor also declares that this force was "probably the finest and most excellently supplied as to officers and private men that had ever been allotted to second the operations of any army." The equipment included a complete train of brass artillery of forty-two pieces.

Burgoyne reached Quebec in May, 1777, having visited England the previous winter, and early in June the British army left St. Johns. The plan of campaign was to cut the colonies in twain by isolating New England and the Hudson valley from the remainder of the country. Burgoyne was to proceed to Albany by way of Lake Champlain and the Hudson River, while General Howe was to come up the Hudson valley to meet him. Fraser's corps left St. Johns, June 5, and advanced that day to Point au Fer. On June 8 it arrived at the mouth of the Ausable River, and on June 12 it advanced to the mouth of the Boquet.

In a letter to General Harvey, written from Montreal, May 19, 1777, Burgoyne outlined his plan of campaign as follows: "My intention is, during my advance



to Ticonderoga, and siege of that post, for a siege I apprehend it must be, to give all possible jealousy on the side of Connecticut (probably meaning the Connecticut valley). If I can by manœuvre make them suspect that after the reduction of Ticonderoga my views are pointed that way, it may make the Connecticut forces very cautious of leaving their own frontiers, and much facilitate my progress to Albany."

As the fleet left St. Johns, under command of Captain Lutwidge, the royal standard was raised on the flagship and was saluted by all the shipping and forts. Head winds caused some delay, bad weather and bad roads also delaying land transportation, and at Cumberland Head a halt was made for the arrival of stores and ammunition. Seven hundred carts were brought for moving baggage and supplies at the portage between the lakes and the Hudson River, and one thousand five hundred horses were sent by land on the west side of the lake under a strong escort.

The army assembled at Cumberland Head between June 17 and June 20, the German troops arriving on June 18. On June 19 Fraser bought some cattle on the east side of the lake and distributed some of Burgoyne's proclamations. The whole army broke camp on June 20, General Burgoyne embarking on the *Lady Mary* "with great pomp." The war fleet made a brave spectacle, with music and banners, as it advanced southward, with the beautiful setting of midsummer on Lake Champlain. The scene recalls Abercrombie's advance down Lake George, about a decade earlier.

Capt. Thomas Aubrey, a young British officer, an eye witness, gave this description of the scene: "When in

the widest part of the lake it was remarkably fine and clear, not a breeze stirring, when the whole army appeared at one view in such perfect regularity as to form the most complete and splendid regatta ever beheld. In the front the Indians went in their birch canoes containing twenty or thirty in each; then the advanced corps in a regular line with the gunboats; then followed the *Royal George* and *Inflexible*, towing large booms which are to be thrown across two points of land, with the other brigs and sloops following; after them the brigades in their order."

By midday the army arrived at its camp in Ligonier Bay, on the Willsboro shore. General Fraser had left with his brigade for the mouth of the Boquet River a day in advance of the main body of the army, and Burgoyne hurried to overtake him, leaving General Reidesel in command.

At the mouth of the Boquet, on June 21, Burgoyne halted to give a great war feast, being joined by four hundred Iroquois, Algonquins, Abenakis and Ottawas. In his speech on this occasion the British commander poured contempt upon the rebels, and added: "Warriors, you are free—go forth in the might of your valor and your cause—strike at the common enemies of Great Britain and America, disturbers of public order, peace and happiness, destroyers of commerce, parricides of the state. \* \* \* Be it our task from the dictates of our religion, the laws of our warfare, and the principles and interest of our policy, to regulate your passions when they overbear, to point out when it is nobler to spare than to revenge, to discriminate degrees of guilt, to suspend the uplifted stroke, to chastise and not to destroy."

He laid down these rules for his savage allies: "I positively forbid bloodshed when you are not opposed in arms. Aged men, women, children and prisoners must be held sacred from the knife or hatchet, even in the time of actual conflict. You shall receive compensation for the prisoners you take; but you shall be called to account for scalps.

"In conformity and indulgence to your customs, which have affixed an idea of honor to such badges of victory, you shall be allowed to take the scalps of the dead when killed by your fire, and in fair opposition; but on no account or pretence, or subtlety or prevarication are they to be taken from the wounded, or even dying; and still less pardonable, if possible, will it be held, to kill men in that condition on purpose, and upon a supposition that this protection to the wounded would be thereby evaded.

"Base lurking assassins, incendiaries, ravagers and plunderers of the country, to whatever army they may belong, shall be treated with less reserve; but the latitude must be given you by order, and I must be the judge of the occasion.

"Should the enemy on their part dare to countenance acts of barbarity towards those who may fall into their hands, it shall be yours also to retaliate."

In Parliament, Fox, Burke, and Chatham, in the most vigorous terms, condemned the employment of the Indians. In the House of Commons, Burke held up to ridicule Burgoyne's speech to his savage allies, saying: "Suppose there was a riot on Tower Hill. What would the keeper of His Majesty's lions do? Would he not fling open the dens of the wild beasts, and address them thus: 'My gentle lions, my humane bears—my tender-

hearted hyneas, go forth! But I exhort you as you are Christians and members of civil society, to take care not to hurt any man, woman or child'."

Reidesel attempted to get under way with the main body of the army on the morning of June 23, but after several unsuccessful attempts to round Point Ligonier in a violent gale, he was obliged to wait until the following morning. After the expedition had started a severe thunder storm arose which was succeeded by a fog so dense that it was necessary to beat the drums continually in order that the fleet might be kept together. If "the stars in their courses" did not fight against the British army and its German commander on this occasion, the elements certainly did. The fog was followed by a tempestuous wind, which drove five vessels out of their course, and their occupants were forced to land on one of the group of islands known as the Four Brothers, to which the French had given the more poetic name of the Islands of the Four Winds. Reidesel was able, on June 25, to get his fleet past the mouth of the Boquet River, and on the following day the army arrived at Crown Point, a portion of the troops which started before the main body having arrived on the same day.

General St. Clair received word on June 26 from the Otter Creek region that a large party of Indians and Tories, reported to number five hundred, had gone up that stream on June 23. They captured some cattle, and halted two miles above Middlebury Falls. Their plan was supposed to be to cut off American communication by way of Skenesborough, and it was expected that the raiders would reach the new road near Castleton the night of June 26. The force had been sent out by Gen-



eral Fraser, under command of his nephew, Captain Fraser, with orders to join him at Chimney Point.

St. Clair sent Colonel Warner to the New Hampshire Grants on June 27 to raise a body of men to oppose the incursion, to attack the raiders, and to join the main army as soon as possible. Warner performed his task of rallying the militia, and from Rutland, on July 2, sent the following characteristic letter to the convention of delegates representing the people of the New Hampshire Grants, then in session at Windsor: "I have last evening received an express from the General commanding at Ticonderoga who informs me the enemy have come on with seventeen sloops and other craft, and lie at the Three Mile Point, and the General expects an attack every hour. The enemy put to land on said point, and they have had a skirmish, but the General informs me to no great purpose. Orders me to send for the militia to join him as soon as possibly they can get there, from this State, and the Massachusetts and New Hampshire. I have sent an express to Col. Simons, went off last night. Col. Robinson and Col. Williams is now at Hubbardton waiting to be joined by Col. Bellows who is now with me. When the whole join they will make in No. about 700 or 800 men. I know not where to apply but to you to raise the militia on the east side of the Mountain. Shall expect that you send on all the men that can possibly be raised, and that you will do what lies in your power to supply the troops at Ticonderoga with beef, as if the siege should be long, they will absolutely be in want of meat kind except the country exert themselves—if 40 or 50 head of cattle could be brought on with the militia they will be paid for by the com-

issary on their arrival. The safety of that post consists much on the exertions of the country. I should be glad a few hills of corn unhoed should not be a motive sufficient to detain men at home considering the loss of such an important post can hardly be recovered. I am, gentlemen, in the greatest respect your most obedient and very humble serv't,

“SETH WARNER.”

Colonel Warner was not the only officer during the long struggle for American Independence to whom the problem of the leaving of “a few hills of corn unhoed” brought great vexation of spirit; nor was this problem peculiar to the New Hampshire Grants. The attempt to conduct farm operations and perform the duties of a soldier at different periods during the same season, was attended with many difficulties, probably for the farm, and certainly for the army. But the absolute dependence of a large portion of the population for their very existence upon the raising and harvesting of crops should not be overlooked; and not a few American victories were won during the conflict by “embattled farmers,” who laid aside, temporarily, the hoe or the scythe, to take up the rifle.

There is no record to show that Warner encountered the Indian and Tory raiders, but he returned to Ticonderoga July 5, bringing, according to Hiland Hall, nine hundred militia, mostly Vermonters.

Captain Fraser had returned to the British lines with a few prisoners, but with no cattle, and had reported “that all the inhabitants of the country through which he passed were exceedingly disaffected and had assisted to drive their cattle from the King’s troops.”

The first detachments of the British army, accompanied by General Burgoyne, reached Crown Point with some of the ships, on the evening of June 24. General Fraser occupied Chimney Point, June 25, and by means of an abatis strengthened his position, having advanced from Button Mould Bay where he had encamped on June 24. General Reidesel, with the main body of the army, arrived on June 26. Two English brigades occupied the level ground around the fortress. Breymann's corps was stationed on the right bank of the lake "near the windmill," while General Reidesel, with his German brigade, encamped "on the promontory called Chimney Point."

Burgoyne halted here for several days, not only to bring up the rear of the army, but also for the purpose of establishing magazines, and a hospital, and to gain intelligence concerning the task that awaited him. It is evident from his correspondence that he expected that a siege would be a necessary part of his campaign.

On June 30, he ordered General Fraser to take command of the advanced corps, consisting of the British light infantry and grenadiers, the 25th regiment, some Canadians and Indians, and ten pieces of light artillery, and move from Putnam Creek up the west shore of the lake to a point four miles from Ticonderoga. At the same time the German reserve under Lieutenant Colonel Breymann, consisting of the Brunswick chasseurs, light infantry and grenadiers, moved to Richardson's farm, on the west shore opposite Putnam Creek. On the following day, July 12, the whole army moved forward, General Fraser's corps occupying Three Mile Point, a strong post on the west shore, while the left wing, or

German troops, advanced to a point nearly opposite, on the east shore. The frigates *Royal George* and *Inflexible*, with the gunboats, were anchored just beyond the range of the guns of the American fortifications, covering the lake from the west to the east shore.

The following description of the American position by General Burgoyne, in a letter, gives a good idea of the disposition of St. Clair's troops: "A brigade occupied the old French lines on the height to the north of the fort of Ticonderoga. These lines were in good repair and had several intrenchments behind them, chiefly calculated to guard the northwest flank, and were further sustained by a blockhouse. They had further to their left a post at the sawmills, which are at the foot of the carrying place to Lake George, and a blockhouse and hospital at the entrance of the lake. Upon the right of the lines, and between them and the old fort, there were two new blockhouses and a considerable battery close to the entrance of the lake. It seemed that the enemy had employed their chief industry and were in the greatest force upon Mount Independence, which is high and circular, and upon the summit, which is a tableland, was a star fort, made of pickets and well supplied with artillery, and a large square of barracks within it. The foot of the hill on the side which projects into the lake, was intrenched and had a strong abatis close to the water. This intrenchment was lined with heavy artillery pointed down to the lake, flanking the water battery above described, and sustained by another battery about half way up the hill. On the west side the hill runs the main river (the lake), and in its passage is joined by the water which comes down from Lake



George. The enemy had here a bridge of communication which could not at this time be reconnoitered. On the east side of the hill the water forms a small bay, into which falls a rivulet after having encircled in its course part of the hill to the southwest. The side to the south could not be seen, but was described as inaccessible."

About nine o'clock on the morning of July 2, the British observed a smoke towards Lake George and the Indians reported that the Americans had set fire to the farther blockhouse and had abandoned their post at the sawmills. The report further stated that the Americans were in considerable force advancing from their lines toward a bridge upon the road which led from the sawmills toward the right of the British camp. General Fraser, with a portion of the advanced corps, supported by the second brigade and some light artillery, commanded by General Phillips, were ordered to reconnoiter the American position and "to take advantage of any post they might abandon or be driven from." In a slight skirmish near the sawmills, Lord Balcarras, commanding the light infantry, was slightly wounded and his clothes were pierced with thirty bullet holes. Lieutenant Hagget was shot in both eyes and mortally wounded. While Lieutenant Douglass of the 29th regiment was being carried from the field wounded, he was shot through the heart by a sharpshooter.

Captain Fraser, a nephew of General Fraser, was directed to take his marksmen and a body of Indians, to make a circuit to the left of the line of march taken by his uncle's corps, and to attempt to cut off the retreat of the American troops. This attempt failed, according

to Burgoyne's description, on account of the impetuosity of the Indians, who attacked too soon, and in front. Fraser says frankly, "the Indians were mostly drunk." For this reason, the Americans were able to retire within their lines, with the loss of one officer and a few men killed and one officer wounded. St. Clair, suspecting that this attack might be the beginning of a general assault, ordered his men to conceal themselves behind the parapet. Seeing a British soldier firing repeatedly under cover of the brushwood in front of the works, Colonel Wilkinson ordered a Sergeant to rise and shoot him. Thereupon, without orders, the American soldiers rose to their feet and began firing, the artillerymen followed suit, and three rounds were discharged before General St. Clair and his staff officers could stop the firing. When the smoke cleared away, the enemy under Captain Fraser were seen at a distance of three hundred yards retreating in disorder. Two Indians were killed and three were wounded. Lieutenant Houghton and two or three British soldiers were wounded.

On the night of July 2, General Phillips took possession of the eminence to which General Fraser gave the name of Mount Hope, and the next day, July 3, it was occupied in force by General Fraser's entire corps, the first British brigade and two brigades of artillery. The second British brigade encamped upon the left of the first brigade, and a portion of the German troops, the Brigade of Gall, was transferred from the Vermont shore of Lake Champlain to occupy the position vacated by Fraser's brigade. Thus the British line extended on July 3 from Three Mile Point to the western portion of Mount Hope. Meanwhile General Reidesel advanced

his forces on the eastern shore of the lake to a position opposite Three Mile Point, having pushed his reserves forward nearly as far as the rivulet that partially encircled Mount Independence. The Americans abandoned Mount Hope without a contest because their forces were too few to warrant the possibility of successful resistance, although the possession of this height by the British cut off St. Clair's communication by way of Lake George. During the day the American artillery kept up a vigorous cannonade upon the British position on Mount Hope, and upon the camp of the German reserves without accomplishing any apparent results.

Burgoyne issued a bombastic proclamation, on July 4, intended to strike terror to the hearts of the people of the Champlain valley. It began as follows: "By John Burgoyne, Esq., Lieutenant-General of His Majesty's armies in America, Colonel of the Queen's regiment of light dragoons, Governor of Fort William in North Britain, one of the Representatives of the Commons of Great Britain in Parliament and commanding an army and fleet employed on an expedition from Canada, etc., etc., etc."

After setting forth the monstrous wickedness of the rebels, he says: "Determined to strike where necessary, and anxious to spare where possible, I by these presents invite and exhort all persons in all places where the progress of this army may point, and by the blessing of God I will extend it far, to maintain such conduct as may justify me in protecting their lands, habitations and families. \* \* \* The domestic, the industrious, the infirm and even the timid inhabitants, I am desirous to protect, provided they remain quietly at their houses;

that they do not suffer their cattle to be removed, nor their corn or forage to be secreted or destroyed; that they do not break up their bridges or roads, nor by any other act, directly or indirectly, endeavor to obstruct the operations of the King's troops, or supply or assist those of the enemy. Every species of provision brought to my camp will be paid for at an equitable rate, and in solid coin."

After holding out the promise of protection, and the temptation of hard money for provisions, the threat of Indian horrors is paraded, in order to frighten the inhabitants into submission, in these words: "In consciousness of Christianity, my royal master's clemency, and the honor of soldiership, I have dwelt upon this invitation, and wished for more persuasive terms to give it impression: And let not people be led to disregard it, by considering their distance from the immediate situation of my camp. I have but to give stretch to the Indian forces under my direction and they amount to thousands, to overtake the hardened enemies of Great Britain and America: I consider them the same wherever they may lurk.

"If, notwithstanding, these endeavors and sincere inclinations to effect them, the phrenzy of hostility should remain, I trust I shall stand acquitted in the eyes of God and men, in denouncing and executing the vengeance of the state against the wilful outcasts. The messengers of justice and of wrath await them in the field; and devastation, famine and every concomitant horror that a reluctant but indispensible prosecution of military duty must occasion, will bar the way to their return."



This proclamation called forth many replies in both prose and verse. As a sample of the ridicule which it called forth, the following extract is taken from a parody widely circulated at the time:

"I will let loose the dogs of hell,  
Ten thousand Indians who shall yell,  
And foam and tear and grin and roar,  
And drench their moccasins in gore;  
To them I'll give full scope and play  
From 'Ticonderog' to Florida.

"If, after all these loving warnings,  
My wishes and my bowels' yearnings,  
You should remain as deaf as adder,  
Or grow with hostile rage the madder;  
I swear by St. George and St. Paul,  
I will exterminate you all;  
Subscribe with my manual sign,  
To that these presents, John Burgoyne."

The British commander was not in haste to follow Abercrombie's example, and make a general assault upon the works. He preferred, therefore, to invest the fortress, bringing up his artillery, stores, and provisions on July 4, and drawing his lines closer to Mount Independence.

St. Clair tried his best to cheer his troops, although he realized the perilous situation of his army. He still cherished the hope that Burgoyne might assault the works, and thus afford him the opportunity of making an effort to resist the enemy, having planned to concentrate his troops on Mount Independence.

Near the point where the waters of Lake George flow into Lake Champlain, there rises a high and rugged eminence, which was known in the early history of this region as Sugar Hill, or Sugar Loaf Hill, generally supposed to be inaccessible for artillery, but entirely dominating the surrounding region.

Soon after the return of the American army from Canada, on an occasion when the principal officers of his staff were seated at General Gates' table, Col. John Trumbull advanced what he termed "the new and heretical opinion," that the position of the Northern army was "bad and untenable" because it was overlooked in all parts by Sugar Hill, hitherto neglected by French, English and American engineers. Trumbull was ridiculed for advancing such an idea, as the hill was considered too far from the American works to be available for artillery, if it were possible to draw cannon to its summit. The Connecticut Colonel not willing that his opinion should be laughed out of court, obtained the permission of General Gates to make some experiments, and proceeding to the north point of Mount Independence, where Major Stevens was examining and proving cannon, he selected a twelve-pounder, a long, double-fortified, brass gun of French manufacture, loaded it with the best powder and a double charge of shot, and requested Major Stevens to point it at the summit of Sugar Hill. Stevens predicted that the gun would not carry across the lake, but to his surprise the charge struck more than half way up the hill. Colonel Trumbull reported at headquarters the result of the test, and after dinner he invited General Gates and his officers to walk out upon the glacis of the old French fort, where

a field gun, a six-pounder, was loaded and aimed at Sugar Hill, the shot striking near the summit.

It was still maintained, however, that the summit was inaccessible. To meet this objection Colonel Trumbull, accompanied by General Arnold, Colonel Wayne and other officers, crossed in General Gates' barge to the foot of the eminence, "where it was most precipitous and rocky," and soon climbed to the summit. Trumbull said: "The ascent was difficult and laborious, but not impracticable, and when we looked down upon the outlet of Lake George, it was obvious to all that there could be no difficulty in driving up a loaded carriage."

Following this demonstration, Trumbull drew up two plans, the first showing that the existing system of defence required at least ten thousand men and one hundred pieces of artillery for its defence; the second estimated the expense of erecting a permanent fortification on the summit of Sugar Hill, which would command completely the narrow parts of both Lake Champlain and Lake George, large enough to accommodate a garrison of five hundred men and mounting twenty-five heavy guns, the cost being in a ratio of twenty to one in favor. He sent copies of these plans, together with a description of the present position, to General Gates, General Schuyler and to Congress, and there the matter ended.

As Burgoyne's army drew the lines closer around historic Ticonderoga, the offensive possibilities of Sugar Hill impressed General Fraser, and on the afternoon of July 4, he sent Captain Craig with forty men of the light infantry and a few Indians to reconnoiter the height. At 12 o'clock that night the captain reported

that he had surmounted the hill and found it "very commanding ground," a conclusion which even General Gates' staff would not dispute. Evidently Captain Craig's report lacked the definite information needed as a basis for military operations, and although the weather on the afternoon of July 5 was "abominably hot," to quote General Fraser's words, that officer, taking Lieutenant Twiss, the ranking engineer, ascended the hill, which he named Mount Defiance.

It was found that this eminence commanded the entire works at Ticonderoga and Mount Independence. No material movement could be made by the Americans without being discovered, and even the number of their soldiers could be counted. It was found that the summit could be levelled so that a battery could be located, and although a difficult task, a road could be constructed in twenty-four hours suitable for transporting cannon to the top of the mountain. Fraser ordered an abatis to be constructed, left a guard on the height, and returned to camp. Burgoyne had imagined that afternoon that the Americans were retiring from Mount Independence, and sent the gunboats forward to investigate, but a brisk fire from St. Clair's batteries convinced the British commander of his error, and he was in a mood to listen to the favorable reports of Fraser and Twiss and to urge that every effort be made to occupy Mount Defiance. It was determined that a battery should be established on that favorable height consisting of light twenty-four pounders, medium twelve-pounders, and eight-inch howitzers. A road was cut up the mountain side by working night and day, and eight cannon were dragged up by aid of oxen, the op-



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erations proceeding under the direction of General Phillips.

The American guns kept up a hot fire on Reidesel's force and upon Mount Hope, but without any appreciable results. St. Clair testified at a later date that he had no definite knowledge of the strength of the enemy until July 3, when he obtained information from a prisoner and some deserters. This was confirmed by a spy, who was sent into Burgoyne's camp July 3 and returned July 5. He also learned that plans had been made for a regular siege. This information, St. Clair said, convinced him of the hopelessness of effectually defending the posts.

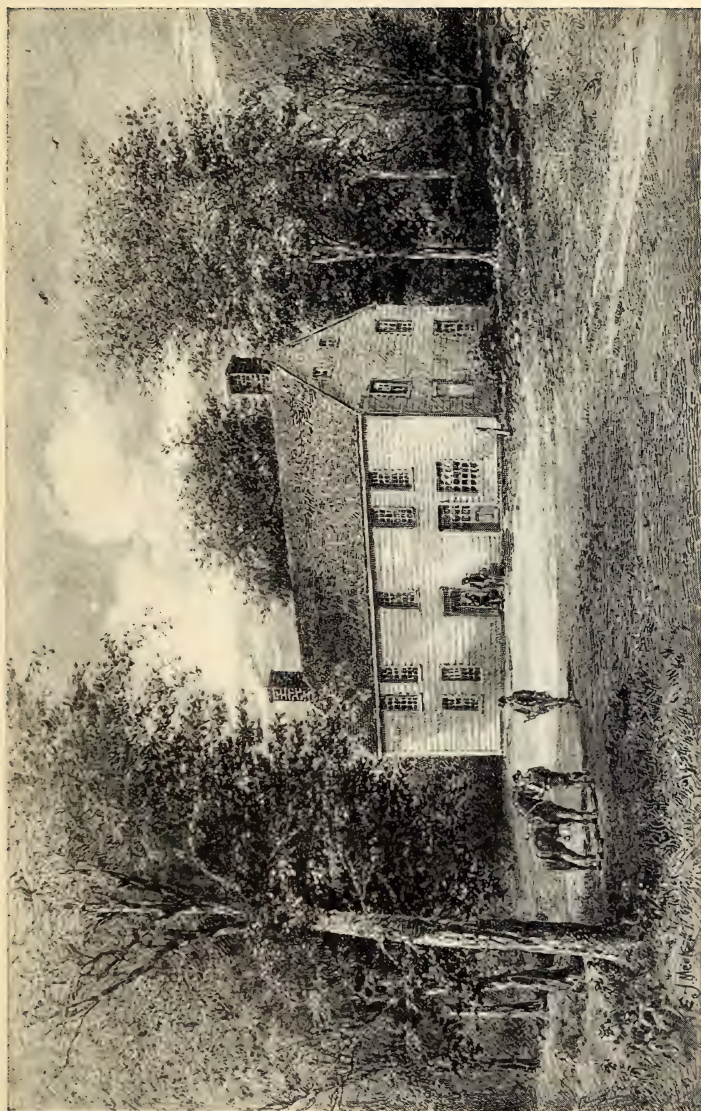
Great was the astonishment of the Americans, on the morning of July 5, to see the summit of Sugar Hill red with British soldiers. St. Clair harbored no delusions regarding the occupation of that lofty eminence. He knew that the fate of his army was sealed if he remained at Ticonderoga. A council of war was called, those present being Gens. Arthur St. Clair, Roche de Fermoy, Enoch Poor and John Patterson and Col. Pierse Long. General St. Clair reported that his force consisted of two thousand and eighty-nine effective soldiers, rank and file, including one hundred and twenty-four unarmed artificers, besides the corps of artillery, and about nine hundred militia, which had arrived and could remain only a few days. It was shown that the works were nearly surrounded. If the enemy should gain possession of the neck of land between the lake and East Creek, not more than three-quarters of a mile wide, and the narrows between that point and Skenesborough, all communication would be cut off. The possibility of remov-

ing the tents to lower ground, where they would be less exposed, and of transferring the entire garrison to Mount Independence, was discussed.

The council decided that under the circumstances it would be impossible with such a meagre force, and with the enemy occupying Mount Defiance, to defend Ticonderoga and Mount Independence, that a retreat should be undertaken as soon as possible and that the officers might consider themselves very fortunate if such a retreat could be effected. News had been received that the place would be completely invested within twenty-four hours and that the narrow neck had been left open, hoping to intercept the cattle intended for the Americans. This decision was reached about three o'clock Saturday afternoon, July 5, but it was impracticable with the enemy occupying a height from which every move in the American camp could be observed, to begin a retreat until evening.

St. Clair was not ignorant of the effect of the abandonment of Ticonderoga upon public opinion, but according to Colonel Wilkinson's statement he informed that officer that he was unwilling to sacrifice the army in order to save his own character.

The water route to Skenesborough was still open, and supposed to be safe, owing to the boom and great chain across the lake, which obstructed navigation. About midnight orders were issued to place the sick, the wounded, and the women on board two hundred long boats. Cannon, provision, and tents were placed in other boats, and about three o'clock on the morning of July 6, convoyed by five armed galleys, all that was left of Arnold's fleet, and accompanied by a guard of



Constitution House, Windsor



Two war galleys surrendered and the other three were blown up by their own crews. The long boats and other craft were either sunk, burned or captured. Before retiring, the defeated forces set fire to the storehouse, sawmills, forges and repairing sheds. The dry trees caught fire, and the whole hillside was soon ablaze. General Schuyler was informed later that "not one earthly thing was saved." The British captured about thirty prisoners, including two wounded officers.

The Americans retired in confusion through a narrow defile in the woods to Fort Ann. So closely were they pursued that the cry frequently would go up from the rear: "March on, the Indians are at our heels." Many of the invalids were taken up Wood Creek in boats, and some of the baggage was saved in this way; but all of the cannon and provisions, most of the baggage, and some of the sick fell into the hands of the victors.

A small force, sent out by Schuyler from Fort Edward, reached Fort Ann on July 7. A British detachment approaching the same day was attacked by the Americans and defeated a surgeon, a Captain who was wounded, and twelve privates being taken prisoners. The next day Fort Ann was burned, and the garrison retired to General Schuyler's camp at Fort Edward.



## CHAPTER XVIII

### THE BATTLE OF HUBBARDTON



**S**HORTLY after midnight, on the morning of July 6, 1777, the American garrison at Ticonderoga crossed the bridge to Mount Independence, on the Vermont shore of Lake Champlain, where General St. Clair had hoped, if hard pressed, to make his last stand for the defence of this important post; but his earlier plans did not take into account the possibilities of British cannon mounted on Mount Defiance, six hundred feet in height. To remain meant either surrender, or the sacrifice of many lives with no possibility of winning a victory, or even of holding Ticonderoga. At this juncture St. Clair's only hope was to escape from the net slowly but surely being drawn around him. After the troops had crossed, the bridge was destroyed, many of the cannon having been spiked.

When St. Clair reached Mount Independence he found General Roche de Fermoy asleep, instead of superintending the evacuation of that portion of the works, the task entrusted to him. With the approach of dawn the movements here of necessity were hurried. De Fermoy, contrary to express orders, set fire to his house as he was leaving about two o'clock in the morning, and the illumination helped to give warning of the retreat. Smith, in "The St. Clair Papers," says of the French officer that he was one of the worst of the foreign adventurers connected with the American army.

To Col. Ebenezer Francis, commanding the Eleventh Massachusetts regiment, was entrusted the command of the American rear guard, made up of "chosen men," to quote from Burgoyne. He was a good disciplinarian, a man of imposing stature, who had commanded a regiment on Dorchester Heights earlier in the war.

Just as the rear of the American army left Mount Independence, about four o'clock in the morning, the advance guard of the enemy arrived, composed of Brunswick troops. A few shots were exchanged, but the German soldiers did not attempt pursuit. St. Clair made a forced march over an unfinished road through the wilderness, twenty-four miles, to Hubbardton, which he reached at one o'clock Sunday afternoon. The retreat began in great confusion. On the way, St. Clair encountered and dispersed a British raiding party under Captain Fraser, taking three British and five Canadian prisoners and twenty head of cattle.

In the confusion of departure two artillerymen deserted, taking a small boat and crossing the lake. About three o'clock that morning they notified General Fraser that the American army was retreating. At first Fraser thought this was a ruse employed to bring British troops within range of the American guns, but he sent an officer to notify General Burgoyne, who was on board the *Royal George*, of the report received; and ordered the men of his own brigade, without noise or delay, to equip themselves and proceed to a designated place, there to await further orders. Taking an engineer and a small party, Fraser proceeded to investigate the report of the deserters, and found it to be true. The colors of the Ninth regiment were planted on the old French redoubt, and a guard was posted to watch the stores abandoned at Ticonderoga.

Planks were secured and a bridge was extemporized, enabling Fraser to reach Mount Independence. Evidently the British General had a very unpleasant experience in restraining the desire of the soldiers to ap-



propriate what the Americans had abandoned in their hasty flight, and he says of the episode: "As there were many to plunder, it was with very great difficulty I could prevent horrid irregularities." Everything was "tolerably well secured" about five o'clock, the delay caused by the desire for plunder having given St. Clair's fleeing troops an opportunity to gain a lead that their pursuers could not overcome. Fraser then formed a detachment of the grenadiers and light infantry battalions with two companies of the Twenty-fourth regiment, and he started in pursuit of the Americans, leaving an officer to notify Burgoyne that he desired the support of the remainder of his corps, and other troops. He did not stop to take any provisions, and pressed on for nine miles before any water was found. Pausing here to allow the soldiers to rest and refresh themselves, he ordered Colonel Campbell of the Twenty-ninth regiment to return to headquarters and notify General Burgoyne that he believed he was near the rear guard of the rebels, and that he desired to be supported by troops, "British if possible." This is only one of several occasions on which General Fraser exhibited his belief in the superiority of British over German troops.

After marching four miles farther, Fraser halted to permit the killing of two bullocks, thus providing food which greatly refreshed the hungry men. An American prisoner informed Fraser that Colonel Francis, commanding the rear guard of the retreating army, would be glad to surrender to the King's troops, rather than to fall into the hands of the savages. As the British soldiers were much fatigued, no fleet-footed carrier was available to bear a message, and the prisoner was

sent ahead to overtake Colonel Francis, and give him an opportunity to avail himself of British protection; but the only notice Francis took of the offer was to double his diligence in putting a greater distance between Fraser and himself.

It was an unusually trying occasion, both for pursuers and pursued. This midsummer Sabbath was a sultry day, like several that had preceded it. The road was rough, and the hills were many and steep. If any breeze were blowing it could hardly penetrate into this forest-clad region and the July sun poured down fiercely, making this wilderness trail a veritable furnace.

Before leaving for Skenesborough, in pursuit of Colonel Long, Burgoyne ordered General Reidesel to support Fraser. The Sixty-second British regiment and the Brunswick regiment of Prince Frederick were stationed, respectively, at Ticonderoga and Mount Independence, to take the place of the guards posted by General Fraser. Taking a company of light infantry and an advance guard of eighty men from Breymann's corps, and leaving orders for the remainder of the corps and his own regiment to follow immediately, Reidesel hastened on and overtook Fraser's detachment, while its numbers were feasting on the bullocks which they had slaughtered. The British General, who was only a Brigadier, was embarrassed by the presence of a senior officer, who was a Major General. After agreeing to renew the pursuit at three o'clock the following morning, Fraser moved on three miles farther, where his troops lay on their arms, leaving Reidesel in the camp evacuated by the British troops. Naturally the German

troops were much fatigued. It has been said that the sword of one of Reidesel's dragoons weighed as much as the entire equipment of a British soldier. Stone's "Burgoyne's Campaign" describes the equipment of a Brunswick dragoon as follows: "He wore high and heavy jackboots, with large, long spurs, stout and stiff leather breeches, gauntlets reaching high up on his arms, and a hat with a high tuft of ornamental feathers. On his side he trailed a tremendous broadsword; a short but clumsy carbine was slung over his shoulder, and down his back, like a Chinese mandarin, dangled a long queue." If Reidesel's troops were thus equipped on this July Sunday, it may be imagined that a march thirteen or fourteen miles over such a road was a test sufficient to satisfy their ambitions for one day's march.

General St. Clair, having arrived at Hubbardton, after passing through Orwell and Sudbury, waited from one until five o'clock Sunday afternoon for the stragglers and the rear guard to come up. At that time Major Dearborn of the rear guard (afterward a Major General and Secretary of War) brought the news that the remainder of the army was approaching, and St. Clair proceeded six miles farther, to Castleton, arriving there about dusk. The regiments of Colonels Warner, Francis and Hale, about thirteen hundred men in all, were left as a rear guard, under command of Col. Seth Warner. Owing to the extreme fatigue of the men it was decided to remain at Hubbardton. It was claimed afterward by General St. Clair and Colonel Wilkinson that Warner disobeyed orders in remaining there, having been directed to advance to a point within one and

one-half miles of the main body. On the other hand, Daniel Chipman, a lad of twelve years at the time of this episode, who in later years enjoyed the personal acquaintance of many veterans of the Revolutionary War, in his "Memoirs of Warner," stoutly maintained that the Vermont Colonel was ordered to remain at Hubbardton, and that St. Clair erred in going six instead of one and one-half miles beyond the camp of his rear guard.

Warner's encampment was on the farm of John Selleck, in the southeastern part of the town of Hubbardton, near the Pittsford line. This is an upland region, affording a beautiful outlook, a rolling table-land, surrounded on the south and east by hills. A road, following a little stream, led to Ticonderoga, over which route the American troops had retreated, and another led toward Castleton.

Earlier on the eventful Sunday, before St. Clair's army had reached Hubbardton, while religious worship was being conducted in the house of George Foote, about half a mile east of the present site of Castleton village, on the road to Hubbardton, an alarm was given that the enemy was approaching, and the women and children took refuge in the cellar. Some American recruits who had assembled about two miles beyond the place, hastened back and sought shelter in the Foote house and in a school house across the road.

The attacking party consisted of a scouting expedition, made up of British, Tories and Indians, and it is asserted that they largely outnumbered the Americans. The best information available indicates that Capt. Jus-



tus Sherwood, a prominent Tory leader, commanded the party. In the skirmish that followed Capt. John Hall of Castleton was shot in the leg. He called for water and as his wife was bringing it to him the receptacle which she carried was kicked from her hands by a Tory. Captain Hall died as a result of his wounds. A British infantry soldier was shot through the body, but recovered, after being cared for by Mrs. Hall, who returned good for evil. Captain Williams was killed and one of his sons was wounded, but succeeded in reaching Rutland, nearly exhausted for want of food.

The body of Captain Williams was wrapped in a blanket and buried at the foot of a tree. Forty-four years later it was exhumed and buried in the cemetery with appropriate exercises. Several prisoners were captured by Sherwood and taken to Ticonderoga.

General Fraser, in accordance with his plans, resumed his march at three o'clock Monday morning, July 7. After marching a mile he left an officer at some cleared ground with directions for General Reidesel, and moved forward two miles farther, where the advance guard of the British troops encountered the American sentries, who fired and retreated to the main body. The advance guard was led by Major Grant of the Twenty-fourth regiment, a close friend of General Fraser. As the guard approached the American pickets, Grant mounted a stump to reconnoiter, and he had hardly given the order to fire when he was struck and instantly killed by the bullet of an American rifleman.

Colonel Wilkinson, St. Clair's adjutant, afterward an army officer of high rank, and connected with Aaron

Burr's intrigues, was told later by the Earl of Balcarras, who participated that day in his first battle, that at the first fire when Major Grant was killed, twenty-one men in the leading British platoon were brought down. The Earl himself was slightly wounded in the left thigh, and during the battle thirteen bullets passed through his clothing.

There is a discrepancy in regard to the hour when the battle of Hubbardton began, some of the authorities giving five and some seven o'clock in the morning. The account of the battle given in "Hemenway's Gazetteer" declares that "at an early hour the belligerents drew up their forces in line of battle but did not presently engage, as each awaited the arrival of reinforcements." According to this theory it would be possible to explain an early attack of the advance guard at five o'clock, when, it is said the troops under Warner were surprised in the act of getting breakfast, and at which time Major Grant, leading the British vanguard, was slain. Fraser was expecting Reidesel's reinforcements, and very likely Warner sent in haste to St. Clair for aid, or expected aid when the sound of firing was heard in St. Clair's camp. General Fraser's account of the battle, however, would indicate that he became involved in battle sooner than he intended, and did not have time to make the disposition of his troops that he desired. British and American accounts of the engagement differ widely. Although there is a conflict of opinion concerning details, certain important facts may be gleaned from the various accounts of the battle. Apparently the Americans, following a custom learned in Indian war-

fare, had protected their camp by felling trees and brush-wood. When Fraser's troops rushed forward to the attack, they became entangled in the rude defence, thus giving Warner and Francis time to rally their men, who sought shelter behind trees and thickets, and fired upon their foes. The lines of battle were formed within sixty yards of each other.

Early in the battle there was a contest for a steep hill on Fraser's left flank. The British made a dash for the height, accompanied by their commander, and meeting a body of Americans compelled them to retire to the position they held when first attacked.

For two hours the tide of battle ebbed and flowed, including musketry fire, charge and counter-charge. Warner made an impetuous attack upon the enemy, breaking their line and compelling them to fall back. The British lines were soon reformed, and advanced in an effort to drive the Americans at the point of the bayonet. Again they were driven back in disorder.

General Reidesel had started at three o'clock in the morning, and after marching four miles met Captain McKay, who notified him of Fraser's movements. The German troops had not advanced far before the sound of musketry firing was heard, and Reidesel sent Captain Poellnitz back with orders to tell Lieutenant Colonel Breymann to press forward with all possible speed. A second messenger soon arrived from Fraser with a report that the enemy were in such force that he could not withstand them unless speedily reinforced. Hastening forward Reidesel cursed and raged at the delay of his slow moving troops. The morning sun poured down

its rays with great intensity and Reidesel's report says his troops were "terribly heated" when they reached the battle field. From an eminence the German commander saw that the Americans were trying to surround Fraser's left wing, and he ordered a company of light infantry led by Captain VanGeyso to attack Warner's right wing, while the grenadiers under Captain Schottelins were to endeavor to fall upon the rear of the American position. Only a portion of the German troops had arrived with Reidesel, the chasseurs under Major Barnes and eighty grenadiers and light infantry, and in order to create the impression that a large body of troops had arrived he directed a band of music to lead, and the detachment advanced with a great noise, shouting, firing, and chanting of battle hymns.

Meanwhile Colonel Francis had led a third attack on the enemy's left wing. In his "History of Vermont," Ira Allen says that Francis ordered a retreat of a part of his regiment in order to take a more advantageous position; that his orders were misunderstood, and the retreat became general; and that while endeavoring to check this retreat and confusion, Colonel Francis was killed. Earlier in the action he had been wounded by a bullet, which passed through the right arm, and while engaged in a contest with the German troops, a ball entered the right breast and passed through his body, killing him almost instantly. This brave soldier was buried by the Brunswick regiment.

The arrival of the German troops, and the death of Colonel Francis, turned the scale. The Americans gave way, and fled in confusion. Colonel Warner was a man



who seldom yielded to anger, but when he saw his regiment retreating he threw himself down on a log and "poured forth a torrent of curses and execrations on the flying troops." Recovering his self possession in a moment, he ordered his men to assemble at Manchester, and they scattered in all directions. The grenadiers had taken possession of the Castleton road, cutting off the American retreat in that direction. An attempt was also made to retreat in the direction of Pittsford, over a steep mountain, but again the grenadiers reached the summit of the mountain in advance of the Americans. The battle is said to have lasted about three hours.

At the opening of the engagement Col. Nathan Hale (not the officer bearing a similar name executed by the British as a spy) of the Second New Hampshire Continental regiment, left the scene of action and marched toward Castleton, reducing Warner's force from nearly twelve hundred to some seven hundred or eight hundred men. It should be said in Hale's defence that his regiment was largely composed of invalids. He had not retreated far before he was attacked by a British detachment, and in the engagement Maj. Benjamin Titcomb was severely wounded, and Colonel Hale, Captains Robertson, Carr and Norris, Adjutant Elliot, two other officers and about one hundred men were taken prisoners. Colonel Hale was severely censured and while a prisoner appealed to General Washington for an investigation of his conduct, but he died September 23, 1780, while a prisoner on Long Island.

When St. Clair heard the sound of musketry firing, his first thought was to send reinforcements to Warner.

Two militia regiments, which had left the main army the night before the battle, were encamped within two miles of Warner's position. Two of St. Clair's aides, Majors Dunn and Livingston, were hurried off with assurances of support, and orders were given to the regiments mentioned to support Warner. Instead of supporting their hard pressed commander they hurried from the scene, making haste to rejoin the main army. Colonel Wilkinson says these regiments "were exceedingly insubordinate and seditious," and St. Clair, in a letter to Governor Bowdoin of Massachusetts, gives the names of their commanders as Colonels Bellows and Alcott (Olcott), adding that "had they obeyed my orders it is probable the enemy might have been repulsed." Majors Dunn and Livingston, who met the cowardly militia, reported them "equally deaf to commands and entreaties."

Naturally, there is some discrepancy in the British and American accounts of the losses in the battle of Hubbardton. Gordon, who secured his information from the journal of a British officer, afterward captured, says the Americans lost three hundred and twenty-four in killed, wounded and prisoners, the prisoners including twelve officers; while the British lost one hundred and eighty-three in killed and wounded, three officers being killed, and twelve wounded. Williams, the earliest Vermont historian, uses Gordon's figures of the losses at Hubbardton. General Fraser, the commander of the royal forces in this battle, has left on record the fact that he had at Hubbardton the day after the battle, one hundred and fifty wounded and two hundred and thirty prisoners. Considering the fierceness of the engage-

ment, this would indicate that one hundred and eighty-three was rather a low estimate of the British losses, including both dead and wounded. The Earl of Balcarra, testifying before the House of Commons, without remembering exactly, thought about one hundred and fifty of Fraser's corps were killed and wounded at Hubbardton. This estimate does not include the German losses. In writing to Washington, July 17, St. Clair fixed Warner's loss at Hubbardton at about fifty killed and wounded. Adding to this number the two hundred and thirty prisoners which Fraser claimed, would give an American loss of two hundred and eighty.

Warner's force was so completely scattered that an accurate estimate of his losses is difficult. It has been stated that many of the wounded perished miserably in the woods, and such losses naturally would not be included fully in estimates made immediately after the battle. It is probable, judging from the most reliable information to be obtained, that the British lost in killed and wounded approximately two hundred men, while the Americans lost more than three hundred in killed, wounded and prisoners. The prisoners included a portion of Colonel Hale's regiment and a considerable number of stragglers picked up on the march from Ticonderoga. Eliminating the American prisoners from the list of losses, the figures would indicate that the British suffered more heavily in killed and wounded than did the Americans.

A few local incidents of the battle are worthy of preservation. The population of Hubbardton at this time consisted of nine families, occupying as many log

houses, all of them being located in the portion of the town in which the engagement was fought. On the day preceding the battle, Sunday, July 6, the same detachment of British Tories and Indians commanded by Captain Sherwood, that engaged in a skirmish in Castleton, appeared in Hubbardton, and made prisoners of Benjamin and Uriah Hickok, Henry Keeler and Elijah Kellogg. Benjamin Hickok managed to escape, and returning home he conducted his own and his brother Uriah's families to Castleton.

On the morning of the battle Colonel Warner warned the family of Samuel Churchill of the danger that threatened them. This family consisted of Mr. and Mrs. Samuel Churchill, their sons, John and Silas, each of the sons being married, and having children. The women and children were placed on three horses and started for a place of safety, accompanied by the men on foot, but they had proceeded only a little way, when the battle opened and they found themselves in the firing zone. Two of the horses on which the women rode were wounded. When Madam Churchill, an elderly woman, saw that her horse had been shot, she sprang to the ground in great excitement, exclaiming: "I wish I had a gun, I would give them what they want." The sons remained to take part in the battle, while Samuel Churchill and the women and children returned to their home. Silas was taken prisoner, but John returned home. On the way he laid his gun, cartridge box and bayonet in a crevice in the rocks, but never was able to locate the place thereafter. More than sixty years later the weapons were found.



Soon after the battle Captain Sherwood and his detachment appeared on the scene, made prisoners of the family, plundered the house, and threatened to burn it, but yielded to the pleadings of the women that it should not be destroyed. Samuel Churchill was taken some distance from the house by Indians, bound to a tree, dry brush piled around him, and threatened with burning alive if he did not tell where his flour was concealed. After threatening him for three or four hours, the savages were preparing to set fire to the brush, when Sherwood appeared and gave orders that the torture should cease. Mr. Churchill, his two sons, and three other residents of Hubbardton were taken to Ticonderoga as prisoners.

The women and children were left in a destitute condition and were compelled to seek relief and safety elsewhere. In this emergency Grandmother Churchill, a sturdy and forceful woman, took command. The party consisted of four women, one boy of thirteen and one of eleven years, one small child three years old, and a babe only a few months old. It was determined that they should return to their old home in Sheffield, Mass. Not daring to take the direct route, on account of the presence of British troops to the south, with two horses they proceeded to Pittsford, thence to Rutland and across the Green Mountains by the Military Road to Number Four, camping one night in the woods on a mountain, and staying two nights at Captain Coffein's at Cavendish. Going down the Connecticut River, they arrived at their destination in about three weeks.

One of the Churchills and one of the Hickoks escaped from Ticonderoga. Hickok found his family at Castleton, but Churchill was unable to locate his family and went on foot to his old home at Sheffield, Mass., where he found them.

John Selleck, on whose farm the battle was fought, with his family left their home the day before the engagement; but a Mrs. Boardman and two small children were left in the house, and remained there during the battle, taking refuge under the bed, as there was no cellar. After the firing ceased this woman went to Castleton on foot with her children.

In the spring of 1784 the people of Hubbardton made a general search of the battle ground and the adjoining forest region, and gathering a large number of the bones of those who had perished, and had not been interred, they buried them. On the eighty-second anniversary of the battle, July 7, 1859, a monument was dedicated on the battle field.

St. Clair had left orders at Castleton for Warner's troops to join him at Rutland, and his correspondence with Hancock and Washington shows that about two hundred of the men who fought at Hubbardton did join his force there, and that two days later Colonel Warner, with about ninety men, joined him at Manchester. Others came straggling in for days thereafter. St. Clair was of the opinion that some of the men who fought under Warner at Hubbardton had "gone down into New England by way of Number Four," without asking permission.

Before St. Clair left Castleton, an officer from one of the boats that left Ticonderoga with Colonel Long's party of Americans, arrived, bringing the news that the British were pursuing in force and that they would reach Skenesborough ahead of him. This compelled him to change his route, and marching by way of Pawlet, Dorset, Manchester and Bennington, he reached the Hudson River at Battenkill, and joined General Schuyler at Fort Edward on July 12.

St. Clair's retreat was a difficult one. The night following the battle of Hubbardton was rainy and very dark, and travel through a wooded country, unfamiliar to most if not all of St. Clair's troops, was beset with difficulties and dangers. During the night a guard brought in a young man, suspected of being a spy, who claimed to be familiar with the region, and able to guide the army to Bennington. Colonel Wilkinson recognized the young man as Lieut. Matthew Lyon, who had served under Warner in the battle of Hubbardton. His services were gladly accepted and proved to be of much value. As a reward for his efforts, Lyon, who had been censured for his part in the retreat from Jericho the previous year, was appointed a Continental Paymaster, with the rank of Captain.

Immediately following the battle of Hubbardton, General Reidesel stationed Barner's light infantry on the left wing of the English troops, while Reidesel's own regiment, and the battalion of grenadiers were posted on the right wing of the English forces, to guard the Skenesborough road. That night the British troops lay on their arms. The next morning Reidesel astonished

Fraser by announcing his determination to march to Skenesborough, and before noon his brigade had started, greatly to Fraser's disgust, who intimated that the German troops marched toward Skenesborough at a pace "rather more rapid" than that with which they moved to his support from Ticonderoga. Fraser was very much alarmed at his situation. He was short of ammunition and provisions, encumbered with prisoners and wounded, and in an unfamiliar and heavily wooded country, with a force not to exceed eight hundred and fifty men, according to the report of the British commander. He set the prisoners at work constructing a log defence for his troops, fearing an attack. His fears were heightened that evening, July 8, by receiving intelligence that the Americans were in force near him and were gathering strength hourly. Commenting on this situation, he wrote: "I was then in the most disaffected part of America, every person a spy," a high compliment, surely, to the loyalty of Vermonters to the American cause.

Fraser was determined to take no chances of being captured by the "disaffected" inhabitants of the New Hampshire Grants. At two o'clock on the morning of July 9, he started his prisoners for Ticonderoga, under the escort of two companies of grenadiers, and with most of his troops set out for Burgoyne's camp, and safety. The one hundred and fifty wounded were left with surgeons, nurses, and a small guard, which was ordered to make no resistance if approached by any number of Americans. Before starting Fraser sent for guides to conduct him to the place where the Americans were supposed to be posted. The guides deserted, which



was what Fraser wanted them to do, and he says the American force retired ten miles, while he retired to Skenesborough which he reached in safety the evening of July 6. The probability is that this supposed American force was largely, if not entirely, a creation of Fraser's imagination. While he was hastening toward Burgoyne's camp, following on the heels of Reidesel's brigade, St. Clair's troops were hastening toward a place of safety in another direction, and Warner's disorganized forces were straggling into the settlements from the forests.

Considerable difficulty was experienced in removing the British wounded from Hubbardton on account of the distance to Burgoyne's headquarters and the condition of the roads. Preparations were made to remove them on biers and on hand barrows, but the wounded preferred to remain where they were rather than suffer the tortures of being moved in such primitive fashion, and remain they did, for several days, at least. One of the gruesome features of war that followed the battle, as portrayed by a wounded British officer, was the presence of many wolves who came down from the mountains, attracted by the bodies of the unburied dead, and those hastily buried in shallow graves did not escape these scavengers of the forest.

In the account of the battle of Hubbardton in "Hemenway's Vermont Gazetteer" is a statement made on the authority of B. F. Winslow of Pittsford, to the effect that probably the first use of the American flag in battle was in the engagement of Hubbardton. He says of this early flag: "This was a rather primitive material, and

made by the officers at Ticonderoga from their own clothes, one of them giving a coat for the blue field of the stars."

In Admiral Preble's "History of the American Flag," and elsewhere, it is claimed that the first use of our flag, known as the Stars and Stripes, in actual warfare, was its display on the northeast bastion of Fort Stanwix, August 3, 1777.

A resolution proposed by John Adams, making the United States flag a banner of thirteen stripes and thirteen stars, was adopted by the Continental Congress, June 14, 1777. The design was not officially promulgated until September 3, 1777. The difficulty of establishing this distinction for the battle in the Vermont highlands will be recognized; but it is not impossible that news of the action of Congress may have reached Ticonderoga before its evacuation, and that a flag was made, as described. News of the adoption of the Declaration of Independence was celebrated at this post, and Mount Independence given its name, two weeks after the adoption of the Declaration. If the news reached Fort Stanwix before it was announced officially, it may have been brought in a similar manner to Fort Ticonderoga, which, naturally, would be one of the first places to receive the information, owing to its importance as a military post. Without making any positive claim that the American flag as we know it was first used in the battle of Hubbardton, it is safe to say that such use was not impossible, and that the statement made is worthy of consideration.

The battle of Hubbardton was the most important engagement of the American Revolution fought on Vermont soil, the Bennington battle field having been just over the present boundary line in New York State. That it was an American defeat, and a disastrous defeat, cannot be questioned, Warner's force being demoralized for the time being. Whether Warner or St. Clair was at fault for the distance that was permitted to intervene between the rear guard and the main body of the army, is a question not easily determined at this time. The pace set by St. Clair in his retreat was terrific. He realized keenly that the odium he must bear for the evacuation of the post at Ticonderoga was a heavy burden at best, and that his reputation must suffer severely. If his forces were captured his cup of bitterness and humiliation would be filled to overflowing, therefore he made desperate haste to escape from his pursuers. If he could have turned upon them and defeated them in some measure, he would have averted the storm of criticism certain to follow the news of the abandonment of Ticonderoga.

It was natural that St. Clair and his protege, Colonel Wilkinson, should feel exasperated over the loss of an opportunity to win a victory, and should seek to lay the blame for defeat upon other shoulders. It must be remembered that with Warner were a considerable number of soldiers who were weak or ill, and who must have been utterly exhausted by the forced march made under the blazing sun of a sultry July day. St. Clair departed from Hubbardton before Warner arrived there, and in his haste to proceed the American commander easily

might have failed to leave explicit instructions regarding the place of his own encampment and that of Warner for the night. As events transpired, victory was won by the British only because Reidesel's reinforcements arrived in the nick of time. If they had been delayed a little longer, Fraser would have been defeated, and defeat in that unsettled country would have meant disaster. Furthermore, if the two regiments encamped within two miles of Warner had come to his assistance, as every instinct of military honor should have compelled them to do, Warner might have won a notable victory, and possibly might have captured both Fraser's and Reidesel's troops.

The regiments of Warner and Francis fought with great bravery, against some of the best trained soldiers of Europe. This fact may be proved out of the mouths of their enemies. In the hearing held in the House of Commons in 1779, to investigate General Burgoyne's campaign in America, the Earl of Balcarras testified in regard to the battle of Hubbardton, that "circumstanced as the enemy was, as an army very hard pressed in their retreat, they certainly behaved with great gallantry." The Earl of Harrington, testifying on the same subject, said: "They (the enemy) behaved in the beginning of the action with a great deal of spirit."

Although a British victory had been won, neither Fraser nor Reidesel appeared to be able to get much satisfaction out of their triumph, until they had emerged from the wilderness, from which they hastened like children afraid of the dark.



Burgoyne issued a proclamation on July 10, extolling the achievements of the British and German troops in the capture of Ticonderoga and Skenesborough, and the victory at Hubbardton, and directing that on the following Sunday, July 13, there should be divine service in front of the army; and that at sunset there should be firing of cannon and small arms at Ticonderoga, Crown Point, Skenesborough, Castleton, and in Lieutenant Colonel Breymann's camp in honor of the success achieved.

Burgoyne was determined to send General Reidesel, with "a large corps of troops" to the vicinity of Castleton, on a three-fold mission, "to create an alarm towards the Connecticut River, to give encouragement to the loyal inhabitants, if any such there were, and to protect those that were wounded at Huberton or thereabouts," to quote from the testimony of Lieutenant Colonel Kingston, Burgoyne's adjutant and secretary.

On the morning of July 12, Reidesel started with his own infantry regiment and Breymann's corps. Reidesel's regiment went by water through South Bay and East Creek, as far as the latter stream was navigable, and landed at the encampment of the Hesse Hanau regiment, which had preceded them. Breymann's regiment proceeded by land as far as the sawmill near Castleton, when it encamped for the night, advancing the next day to Castleton. The following day Reidesel's regiment advanced to the camp of Brigadier Specht.

General Reidesel's papers show that this march "was attended with extraordinary difficulties." It was impossible to secure horses, and all the tents and baggage had

to be carried by the soldiers on their backs over "a shockingly bad road."

Anticipating Reidesel's expedition, on July 10 Burgoyne had issued the following proclamation:

"To the inhabitants of Castleton, of Hubberton, Rutland, Tinmouth, Pawlet, Wells, Granville (N. Y.), with the neighboring districts; also the districts bordering on White Creek, Cambden (Camden), Cambridge (N. Y.), &c. &c. &c.

"You are hereby directed to send from your several townships, deputations consisting of ten persons or more from each township, to meet Colonel Skene at Castleton, on Wednesday, July 15th, at ten in the morning, who will have instructions not only to give further encouragement to those who complied with the terms of my late manifesto, but also to communicate conditions upon which the persons and properties of the disobedient may yet be spared.

"This fail not to obey, under pain of military execution."

General Schuyler issued a counter-proclamation, dated at his headquarters at Fort Edward, N. Y., July 13, as follows:

"To the inhabitants of Castle Town, of Hubberton, Rutland, Tinmouth, Pawlet, Wells, Granville, with the neighboring districts; also the districts bordering on White Creek, Cambden, Cambridge, &c., &c.

"Whereas Lieutenant General John Burgoyne, commanding an army of the British troops, did, by a written paper, by him subscribed, having date at Skenesborough House, on the 10th of July, instant, require you

to send from your several townships, deputations, consisting of ten persons or more from each township, to meet Colonel Skeene at Castleton on Wednesday, July 15th, at ten in the morning, for sundry purposes in said paper mentioned, and that you are not to fail in paying obedience thereto, under pain of military execution:

“Whatever, my countrymen, may be the ostensible reasons for such meeting, it is evidently intended by the enemy thus to prevail on you, by threats and promises, to forsake the cause of your country, to assist them in forcing slavery on the United States of America, and under the specious pretext of affording you protection, to bring on you that misery which their promises of protection drew on such of the deluded inhabitants of New Jersey, who were weak enough to confide in them, but who soon experienced their fallacy by being treated, indiscriminately with those virtuous citizens who came forth in defence of their country, with the most wanton barbarity, and such as hitherto hath not ever disgraced barbarians.

“They cruelly butchered, without distinction of age or sex, ravished children from ten to women of eighty years of age; they burnt, pillaged and destroyed whatever came into their power; nor did their edifices, dedicated to the worship of Almighty God, escape their sacrilegious fury. Such were the deeds, such they were incontestibly proved to be, which have marked the British arms with the most indelible stains.

“But they having, by the blessing of Divine Providence on our arms, been obliged totally to abandon that State; they left those that were weak or wicked enough

to take protection under them, to bemoan their credulity, and to cast themselves on the mercy of their injured countrymen. Such will be your fate, if you lend a willing ear to their promises, which, I trust, none of you will do.

“But lest any of you should so far forget the duty you owe to your country, as to join with, or in any manner or way assist or give comfort or hold correspondence with, or take protection from the enemy, be it known to each and every one of you, the inhabitants of the United States, that you will be considered and dealt with as traitors to said States, and that the laws thereof will be put in execution against every person so offending with the utmost rigor; and I do hereby strictly enjoin and command all officers, civil and military, to apprehend all such offenders. And I do further strictly enjoin and command such of the militia of said townships as have not yet marched, to do so without delay, to join the army under my command, or some detachment thereof.”

On arriving at the camp of Brigadier Specht, Reidesel sent out a detachment of troops to collect wagons and horses. On July 15 Reidesel was ordered to Ticonderoga to superintend the removal of some of the shipping to Lake George. The same day he received intelligence (grossly exaggerated) that Colonel Warner had collected between four thousand and five thousand men at Manchester, and that he was “using his utmost exertions to rally the militia in the vicinity.”

Reidesel later declared that he could take no action against Warner at this time, as Colonel Skene was





The Bennington Battlefield



anxious that he should accompany the latter to Castleton, to make a list of "all the loyal inhabitants."

Reidesel says: "About four hundred inhabitants from different townships came into Castleton and took the oath of allegiance in due form, each one receiving a certificate to that effect. A large number of these people were not in earnest in taking this oath. They had only come that they might find out the names of those who were truly loyal and afterwards betray them. They went, therefore, immediately back to their comrades, and told them all they had seen and heard. No sooner had Colonel Warner heard the report of those spies than he at once advanced, plundered the Loyalists, took away their cattle, and even carried off the men themselves."

Reidesel immediately dispatched Captain Willoe to Burgoyne's headquarters with a plan in which he purposed to attack "the traitors" at once, and take from them the cattle and wagons necessary for the use of the troops. Burgoyne, however, had other plans, a fact which seems to have disgusted the German commander.

It is very plain that the American officers did not consider those who took the oath of allegiance administered by Reidesel and Skene as American spies. Chipman, in his "Memoirs of Warner," says of this period that "a great majority of the inhabitants (of what later became Rutland county) were so shocked and discouraged by the unexpected, and, as they believed, treacherous evacuation of Ticonderoga, that they were thrown into a state of despondency, and believing the country must be conquered, each sought his individual safety, remaining on

his farm and seeking protection from the British. By these inhabitants, Protectioners, as they were called, the British troops were supplied with large quantities of fresh provisions."

In writing to the New Hampshire authorities, Colonel Warner said: "Many of the inhabitants north of this place have fled and left all in the hands of the enemy, and many more have taken protections of the British, and remain on their farms, and should the enemy march this way with any considerable force, many more will submit, and what will be the consequence cannot be foreseen." Schuyler wrote to Washington that he was informed that "a very great proportion" of the inhabitants of the New Hampshire grants were taking protection from General Burgoyne.

Schuyler, on July 15, directed Warner to secure all the wagons and cattle he could obtain, to keep them from falling into the hands of the enemy, adding: "Advance as near the enemy as you possibly can, seize all Tories, and send them to the interior of the country." Warner carried out these orders and large droves of cattle were brought into Bennington and sold under the direction of the Council of Safety, which was in session at Bennington almost continuously during the summer of 1777. Many of those who had taken the oath of allegiance to the King of England were brought before the Council of Safety, "all of whom," to quote Chipman, "declared that they took the oath of allegiance to His Majesty by compulsion, that they did not consider themselves bound by it, and were ready to take the oath of allegiance to the United States." After taking the oath they were



discharged, and most of them, says Chipman, fought bravely in the battle of Bennington.

In order to reconnoiter, Reidesel sent a detachment of seventy men to Tinmouth, and another to Wells. The party sent to Wells returned on July 19, bringing in a few cattle, horses and carts, and reporting that Colonel Warner had returned to Manchester, and that the inhabitants who had fallen under suspicion of disloyalty had left their homes. The Tinmouth detachment returned July 20, bringing four prisoners and sixty head of cattle, and reporting that they had been within a mile and a half of Warner's camp. According to this report, Warner was so thoroughly alarmed at the sudden appearance of the German troops that he left Manchester immediately, and retreated to Arlington. That Warner should decamp in haste before a detachment of seventy men does not seem altogether probable.

While on this expedition Reidesel made plans for an expedition in the direction of the Connecticut River, consisting of five hundred men under Lieutenant Colonel Baume, the dragoon regiment, the Brunswick regiment of light infantry, and a detachment of Canadian volunteers, with two cannon. It was hoped that in this manner enough good horses might be obtained to permit the mounting of the dragoons, and thirteen hundred additional horses for the transportation of baggage. When Baume was sent on an expedition, however, it was primarily on a different errand, although Reidesel's idea was not entirely discarded.

The capture of Ticonderoga, the British victory at Hubbardton, the presence of the German troops at

Castleton and vicinity, and the fear that an expedition was to be sent into the Connecticut valley, combined to create a widespread feeling of consternation, bordering on terror in many towns in the eastern part of Vermont. There was a considerable Tory element in that region, which openly exulted over the success of the British arms. It is said that on Sunday morning, July 7, one of Burgoyne's proclamations was found nailed to the meeting house door in Newbury. Many of the inhabitants refused to enlist in American regiments, and openly declared their intention of espousing the British cause as soon as the army should appear in their vicinity. In the sparsely settled towns of Strafford and Thetford, thirty men deserted the American cause on July 21, and announced their British sympathies, leaving twenty families owning more than four hundred cattle and sheep deprived of protection. The people of Lyme, N. H., however, came to the rescue and took them to a place of safety.

Mesheck Weare of New Hampshire received a letter dated July 21, informing him that the main body of Reidesel's army was at Rutland, and that an advance party was at White's camp, nine miles farther on the road to Number Four.

Reidesel withdrew from Vermont about the end of July, and on August 4, Schuyler declared in a letter that Burgoyne had withdrawn his troops from Castleton.

Burgoyne, in a short campaign, had captured the posts of Crown Point, Ticonderoga and Skenesborough, won the control of Lake Champlain and Lake George, and taken one hundred and eighty cannon, fifteen thou-

sand stands of arms, much ammunition, all the American reserve tents, three hundred and forty-nine thousand, seven hundred and sixty pounds of flour, one hundred and forty-three thousand, eight hundred and thirty pounds of salt meat, many cattle, and the American standard. It appeared to be a notable triumph, and Burgoyne wrote glowing accounts of his victory to England, sending his aide-de-camp, Captain Gardner, as a special messenger to bear the news to court.

The British ministerial party considered that the war was over. The betting odds in London shifted from even money on the recognition of American independence to odds of five to one against it. The Loyalist exiles in England were overjoyed. Some immediately engaged passage for New York. Others chartered an army transport and made arrangements for the shipment of a cargo of merchandise to sell in America when the war was ended, an event not far distant, it was supposed.

When the King heard the news of the British victory on Lake Champlain, he rushed into the Queen's apartments in great delight, exclaiming that he had beaten all the Americans. Lord George Germaine was directed to promise Burgoyne the title of Knight Commander of the Bath, with a lively hope of something more substantial, but these honors were declined with thanks by Lord Derby, a relative of the American commander, and his representative in England.

If there was joy in Great Britain over the fall of Ticonderoga, there was corresponding consternation in America over what was considered an almost irremedi-

able disaster. "The popular imagination had invested it (Ticonderoga) with the impregnability of an enchanted castle," says John Austin Stevens. "It was the bursting of a meteor, which by its awful peal shook every habitation from Maine to Georgia," said President Timothy Dwight of Yale College. Washington, Hamilton, and other leaders were highly displeased that St. Clair should have been so easily manœuvered out of his position. To such an extent did popular criticism go that the ridiculous charge was made, and believed by some, that Generals Schuyler and St. Clair were traitors, and were paid for their treason by silver bullets fired into the American camp by Burgoyne's soldiers.

Washington wrote Schuyler, saying: "The evacuation of Ticonderoga and Mount Independence is an event of chagrin and surprise not apprehended nor within the compass of my reasoning." It is said that when the news of St. Clair's retreat from Ticonderoga reached Albany, the people of that city ran about as if distracted, and many sent away their goods and furniture.

St. Clair left for Philadelphia on August 31, in obedience to orders from Congress to report at headquarters and await an inquiry into his management of the campaign at and around Ticonderoga. A committee, of which John Adams was a member, was appointed to collect testimony, but it failed to report. There was so much delay in giving the accused officers a hearing that Washington wrote to John Hancock, saying that the course of that body toward St. Clair was looked upon as "cruel and oppressive." Finally charges of neglect of duty, cowardice and treachery were brought,



and in September, 1778, a court martial was convened, with General Lincoln as president, which investigated the matter thoroughly. Generals Schuyler and Poor testified that ten thousand Continental troops were needed to defend Ticonderoga and Mount Independence adequately. The verdict was as follows: "The court, having duly considered the charges against Major General St. Clair, and the evidence, are unanimously of the opinion that he is not guilty either of the charges against him, and do unanimously acquit him of all and every one of them with the highest honor."

General St. Clair was compelled to bear the blame which belonged to others. He had arrived at Ticonderoga only a little more than three weeks before the evacuation. He found a garrison consisting of about one-fifth the number of men needed to defend the extensive system of fortifications that had been constructed, and such a scarcity of provisions, that reinforcements could not be fed for many days unless they brought their provisions with them. Both Congress and General Gates believed that Burgoyne's movement was only a feint, and that he would not attack Ticonderoga. If the militia had rallied to St. Clair's aid, as they flocked to the standard of Gates a few months later, and had furnished the supplies necessary for conducting a campaign, then, perhaps, the fortress that Ethan Allen captured might have been held by the Americans. If Trumbull's advice concerning the occupation of Mount Defiance had been heeded, instead of being derided, then Burgoyne would have found fighting of a more serious nature than he encountered, but Gates, and not St. Clair, must bear the blame for failure to appre-

ciate a situation which the British officers were not slow to recognize. In his report to Congress concerning the abandonment of Ticonderoga, St. Clair said: "I may yet have the satisfaction to experience that, by abandoning a post, I have eventually saved a State."

It may be placing too high a value upon the retreat to say that its successful accomplishment saved a State, but at least it saved the nucleus of an army around which rallied the militia, and made possible the defeat and capture of Burgoyne's army. Neither Washington nor Congress realized the weakness of the American garrison at Ticonderoga, and surely the American people, and least of all the settlers on the New Hampshire Grants, had not suspected that the garrison was so inadequate that this powerful position must be abandoned without striking a blow in its defence. The wildest alarm, and the most intense anger followed this hasty retreat as a natural consequence, and St. Clair was the individual held responsible in large measure for the collapse of the American system of defence in the Champlain valley.

So far as Vermont was concerned, the completion of the first stage of Burgoyne's campaign found the region west of the Green Mountains stripped of its defences, the farms in many of the towns abandoned, three-quarters of the inhabitants being obliged to leave their homes, according to Ira Allen, a considerable number of the people availing themselves of British protection, while the people east of the Green Mountains were living in daily dread of a British invasion down the Connecticut valley, and the Tory element was growing stronger and bolder from week to week. The situation was one to test the courage of the stoutest hearts.

## CHAPTER XIX

### THE BATTLE OF BENNINGTON





**W**HEN General St. Clair left Rutland, on his retreat from Ticonderoga, he directed the Vermont militia, which joined him at that place after the defeat at Hubbardton, to remain there for the protection of the people until otherwise directed by the Vermont convention, and notified Jonas Fay of the Council of Safety, to that effect.

The Vermont convention at Windsor on July 8, 1777, appointed Cols. Joseph Marsh, William Williams and Timothy Brownson, a committee "to procure a sufficient quantity of arms for this State as the exigency of the same shall require, drawing them if possible out of some Continental stores, giving such security for the same in behalf of this State as their wisdom may direct, and that they be empowered for the same purpose (if they cannot be so drawn) to hire not exceeding four thousand pounds, for which they are to give their obligation in behalf of the State."

On the same day, July 8, Col. Moses Robinson, Lieut. Col. Nathaniel Brush, Capt. Elijah Dewey and Deputy Commissary Joseph Farnsworth, addressed an appeal to the militia officers and committees of safety in Massachusetts and Connecticut, saying: "The British Army is advancing into the country, killing, robbing the inhabitants, driving off their cattle to their own use; our whole army is in a very broken situation, \* \* \* unless the enemy be soon stop'd & repuls'd the whole Country will fall into their hands, which will prove the ruin of the whole as we have large stores deposited in this place (Bennington) which we shall of necessity be obliged to leave to the enemy & retreat down into the

New England States, which will soon reduce the country to the Cleanness of Teeth." An appeal for troops followed.

Schuyler wrote to St. Clair, from Fort Edward on July 8, saying: "I had forgot to give directions about the security of the people in the Grants. I think it will be right to have Colonel Warner with regiment and the militia belonging to the Grants." This information was forwarded to Warner by St. Clair.

The Vermont Council of Safety, in session at Manchester, on July 11, applied to the Council of Safety of New Hampshire for advice and assistance. The application made to Governor Trumbull of Connecticut for arms for the defence of Vermont, was forwarded by him to the Massachusetts Board of War, his letter stating that the exposed condition of Connecticut rendered it impracticable to supply arms as requested. Evidently Massachusetts heeded the request, for among the early State papers in the Secretary of State's office, is a receipt, dated August 20, 1777, for ninety-five pounds, twelve shillings, furnished Vermont, given by Ira Allen, Treasurer, "for arms brought from Boston for the use of the militia." General Schuyler was asked to send troops and firearms. He had no guns to send, but enclosed an order for one thousand pounds of powder.

Ira Allen, as secretary of the Council of Safety, on July 15, sent out from Manchester a circular letter "to all militia officers whom it may concern," saying: "This is the second and perhaps the last express we may be able to send you from this post. Your immediate assistance is absolutely necessary. A few hundred military

troops to be joined to our present strength would greatly add to our present encouragement, as by late information we learn that a large scout of the enemy are disposed to take a tour to this post; the inhabitants with their families cannot be quieted without an assurance of the arrival of troops directly for their assistance. You will please to let us know your determination without delay. The Continental stores at Bennington seem to be their present aim. You will be supplied with provisions here on your arrival. Pray send all the troops you can possibly raise; we can repulse them if we have assistance." This letter indicated good courage on the part of the Council, and a knowledge of a contemplated movement upon Bennington at least a month before it took place.

On the same day, July 15, Ira Allen, on behalf of the Council of Safety, appealed to the New Hampshire Council of Safety, in a forceful letter, asking for aid, and saying in substance: "By the surrender of the fortress of Ticonderoga a communication is opened to the defenceless inhabitants of the frontiers, who, having little more in present store than sufficient for the maintenance of their respective Families, and not ability immediately to remove their effects, are therefore induced to accept such Protections as are offered them by the enemy: by this means those towns who are most contiguous to them are under necessity of taking such protection, by which the next town or towns become equally a frontier as the former towns before such protection, and unless we can obtain the assistance of our friends so as to put it immediately in our power to make

a sufficient stand against such strength as they may send, it appears that it will soon be out of the power of this State to maintain a frontier. This country, notwithstanding its infancy, seems as well supplied with provisions for victualling an army as any country on the Continent, so that on that account we cannot see why a stand may not as well be made in this State as in the State of New Hampshire, and more especially as the inhabitants are heartily disposed to defend their liberties. \* \* \* Our good disposition to defend ourselves and make a frontier for your State with our own, cannot be carried into execution without your assistance. Should you send immediate assistance we can help you, and should you neglect till we are put to the necessity of taking protection, you readily know it is in a moment out of our power to assist you."

Colonel Warner wrote the New Hampshire Council on July 18, enclosing an order from General Schuyler, directing the militia, said to be marching to Schuyler's aid, to join Warner, saying there was an army of the enemy three thousand strong at Castleton, that many of the people had fled, some had taken protection from the enemy, "and should they march down with any considerable body (which according to the best intelligence we can get they are now about to do) many more stand ready to take it likewise." He requested that the militia be sent speedily, adding: "The confusion, distress and trouble of our country in this district presses me to urge the matter."

Warner issued a circular to the Generals of militia urgently requesting that assistance be forwarded with



the greatest possible dispatch, as it was expected that about four thousand of the enemy's troops would "march down through the New Hampshire Grants" very soon, and only five hundred troops had been collected at Manchester to oppose them.

About this time, when the need of protection for Vermont was so great, and the troops for defence were so few, the Council of Safety gave attention to the need of raising a larger force. The Council had neither money nor sources of revenue, and messengers sent out on special errands received their compensation from individual members of the Council. A whole day was spent by the Council in discussing plans for raising troops and defraying their expenses. Ira Allen, the youngest member of the Council, insisted that a regiment must be raised, but a majority of the Council could not see how more than two companies of sixty men each could be recruited. Allen was so urgent that Nathan Clark, one of the older members, presumably with intent to rebuke the youthful zeal of the member who demanded the raising of a full regiment, moved that Ira Allen "be requested to discover ways and means to raise and support a regiment, and to make his report at sun rising on the morrow." The motion was adopted, and when the Council convened at sunrise, ready, no doubt, to witness Allen's discomfiture, this young man of twenty-six years had a plan ready for consideration.

Allen proposed that the Council of Safety should appoint commissioners of sequestration, giving to them authority to seize and sell at public auction the property of all persons who had joined or should join "the com-

mon enemy," the proceeds to be placed in the hands of the treasurer of the Council for the payment of the bounties and wages of a regiment to be raised at once for the defence of the State. The plan was accepted, and Samuel Herrick of Bennington, who had served as a Captain at Ethan Allen's capture of Ticonderoga, and at St. Clair's evacuation of the same post, was elected Lieutenant Colonel commandant of the new regiment, receiving his commission on July 15. Within fifteen days after Ira Allen's policy was adopted, the regiment had been raised and the bounty money had been paid out of the proceeds of confiscated property. This regiment was known as Herrick's Rangers. Vermont was the first State to adopt this policy of sequestering the property of persons hostile to the American cause, but before the war was ended it was generally adopted throughout the country. As a result of its adoption Vermont was established on an excellent financial basis. This incident affords an illustration of the mental keenness and the wonderful resourcefulness that united to make Ira Allen perhaps the most brilliant statesman of the remarkable group which made Vermont an independent State, and for several years maintained that independence against great odds.

Burgoyne determined to march to Fort Edward by way of Fort Ann, instead of returning to Ticonderoga and proceeding to the Hudson River by way of Lake George, a route which would have saved many miles of difficult travel. Most of his artillery and stores were sent forward by the Lake George route, but he declined to change his course, being an exceedingly proud man,

although giving as his reason that to retrace his steps would discourage his soldiers. It has been intimated that Colonel Skene was responsible in a measure for the route taken, as the building of a military road through his extensive property would have been very beneficial had the British ultimately won.

The navigation of Wood Creek, a stream emptying into Lake Champlain at Skenesborough, was obstructed with huge stones and logs. Trees were felled into the creek, where, with branches interlocked, they formed obstacles very difficult to remove. Herrick's Rangers, recently organized in Vermont, were active in the work. All the bridges were burned and axemen were sent up each of the roads from Fort George to Fort Edward, with orders to make passage for an army as difficult as possible. Farms along the route were deserted and the cattle driven off, that they might not furnish sustenance for the enemy.

Through this wilderness and morass Burgoyne forced his army, but it took twenty-four days to cover the twenty-six miles between Lake Champlain and Fort Edward, so well had Schuyler's men done their work. The British found it necessary to build forty bridges, one across a swamp two miles long. With great labor, Wood Creek was cleared to permit the passage of bateaux. When Fort Edward was reached at last, on July 30, Burgoyne's soldiers were exhausted by their arduous labors—work to which they were not accustomed—performed with the fierce heat of midsummer pouring down into the forest, and clouds of insects swarming about them. If such a thing as the poetry of

warfare really exists, it was not discovered in this phase of Burgoyne's campaign.

The urgent appeals made to New Hampshire by the Vermont Council of Safety, and by influential citizens of the new State, were received after the Assembly had adjourned for the spring session, but a summons to reconvene brought the members together again on July 17, for a session of three days. The State militia was formed into two brigades, the command of the first being given to William Whipple, and of the second to John Stark. The latter officer had served gallantly in the French and Indian War with Abercrombie and Lord Howe, had won distinction in the battle of Bunker Hill, had served under Washington at Trenton and Princeton and had returned to New Hampshire on a recruiting expedition. Learning that Congress had promoted several junior officers, and had neglected him, he retired from the service, feeling that he had been treated unjustly. Stark's instructions were such that he was not placed under the control of the Continental officers during this campaign, his stipulation that he should be accountable only to the New Hampshire Assembly having been agreed to when he accepted the command. One-fourth of Stark's brigade, and three regiments of Williams' brigade, were ordered to march immediately under Stark's command, "to stop the progress of the enemy on our western frontiers." The militia officers were directed to take away arms from all persons who refused to assist in defending the country; and appointed a day of fasting and prayer, "which was observed with much solemnity."



General Stark was ordered to "repair to Charlestown (Number Four) on Connecticut River, there to consult with a committee of New Hampshire Grants to act in conjunction with the troops of that new State, or separately as it should appear expedient to him; for the protection of the people and the annoyance of the enemy."

The promptness of action and patriotic spirit shown by New Hampshire in this crisis deserves the highest praise. That spirit is well illustrated in the following extract from a speech made at the time by Speaker John Langdon to the New Hampshire Legislature, in which he said: "I have three thousand dollars in hard money. I will pledge my plate for three thousand dollars more. I have seventy hogsheads of Tobago rum, which shall be sold for the most it will bring. These are at the service of the State. If we succeed in defending our firesides and homes, I may be remunerated; if not, the property will be of no value to me."

Gen. Benjamin Lincoln of Massachusetts arrived at Manchester on August 2, as he says in a letter, "to take the command of the few Continental troops and of the militia from the Eastern States, collecting and to be collected at this post," where he found about six hundred militia. It would appear from this statement that Lincoln expected to take the command which a little later was assumed by General Stark. Washington had selected Lincoln for this position largely because of the opposition that had arisen against General Schuyler. This New York officer, able and patriotic beyond question, did not understand the people of New England, nor did they understand him. A representative of the

large landholders of New York, aristocratic by association and temperament, he was not in sympathy with many New England ideas and ideals. Although Schuyler, probably, was a better man and a better officer than General Gates, the Vermonters frankly preferred the latter, because he listened to them with courtesy and gave them to understand that he favored them in the land controversy with New York, while Schuyler was prejudiced against the men of the New Hampshire Grants, as an examination of his correspondence will show.

Lincoln was distressed because the Massachusetts militia left Vermont almost as soon as Reidesel's troops withdrew from the vicinity of Castleton, and writing from Bennington on August 10, he said: "There never was an opportunity when we could act with so great a probability of success against them (Burgoyne's army) as the present, for they have penetrated and are penetrating far into the country, and have left a very naked and uncovered rear; therefore never a greater call for the exertions of the people."

A few days after Stark had received his orders from the New Hampshire Assembly, he proceeded to Charlestown, and as fast as men arrived, he forwarded them to Colonel Warner at Manchester. Vermont had agreed to send some person to Charlestown to advise with Stark relative to the route to be taken and the disposition of troops, and to furnish them with provisions.

General Stark, who had crossed the Green Mountains by way of Bromley (now known as Peru, where a marker has been erected on the site of his camp ground), arrived at Manchester on August 6, with about eight

hundred men, at least two hundred and fifty New Hampshire militia having preceded him. Here he met General Lincoln, who brought a message from General Schuyler, directing him to join the latter at Stillwater.

Some writers say that Schuyler repeatedly called on Stark to join him. Williams, in his "History of Vermont," written less than a score of years after this period, says that Stark, just before the approach of Baume, had decided to leave Bennington, meet General Lincoln "at an appointed place," and they were to join Schuyler. Stark evidently did not intend to let personal prejudices govern him, but was governed in the action by military reasons. A letter from Schuyler to the Massachusetts Committee of Safety, dated August 11, 1777, says that "happily I have the assurances from General Stark that he will not hesitate to do what is required." It was fortunate, indeed, that Stark did not respond to Schuyler's appeals, although apparently he was preparing to do so.

Leaving Manchester on August 8, Stark arrived at Bennington the following day, encamping about two miles west of the meeting house, near Colonel Herrick's residence, where he remained for five days, consulting with the Vermont Council of Safety, with Colonel Warner and other officers, and gaining such information as could be obtained regarding the enemy.

Vouchers among the early State papers in the Secretary of State's office show that bounties were paid Vermont soldiers at the time of the battle of Bennington; that Jonathan Fassett rode express to Boston about this time to bring arms; and that a considerable number

of guns were loaned by the Council of Safety to soldiers just before the battle of Bennington.

When Burgoyne reached Fort Edward he found that the condition of his transport service was such that it was with difficulty he could supply his army with provisions from day to day, and there was no prospect that he would be able, under existing conditions, to establish a magazine of supplies, a necessary step to take if a forward movement were to be made. This seemed an opportune time to advance. The American forces had been defeated, and to a certain extent demoralized. Lieutenant Colonel St. Leger was besieging the American post of Fort Stanwix. All that Burgoyne needed, apparently, to continue his successful campaign was a greater supply of provisions.

When General Reidesel conducted his operations in the vicinity of Castleton during the latter part of July, he conceived the idea of an expedition to march to Manchester and thence in the direction of the Connecticut River for the purpose of securing horses with which to mount the dragoons, and one thousand three hundred additional horses to be used for the transportation of baggage.

Burgoyne decided, however, after having given approval, apparently, to the plans of the German commander, that other needs of the army were more urgent than the mounting of the dragoons. An important depot of supplies had been established at Bennington. Large numbers of cattle, much corn and flour, and a considerable number of wagons had been assembled here by the Americans for the use of the Northern army on or near the spot now marked by the Bennington monu-



ment; and the information of the British commander was to the effect that these valuable stores were guarded only by militia, their numbers fluctuating from day to day. A British report stated that upwards of two thousand oxen and three hundred horses had been assembled at Bennington. Reidesel had reported that he found the people in the portion of Vermont which he had traversed frightened and submissive, some of them apparently loyal and the remainder in a state of panic, and Burgoyne reported that Reidesel had no doubt of the success of an expedition into this region. In his "Memoirs," however, Reidsel says he called attention to the dangers of the undertaking, "Bennington being at too great a distance, and the enemy too near it."

Some idea of the importance of Bennington as a depot of supplies may be gleaned from official correspondence of the period. Nathan Clark, writing to James Yancey, Deputy Commissary General, on October 24, 1776, told of the manufacture of one thousand bushels of wheat into flour, which was to be forwarded to the army at Ticonderoga. On November 5, 1776, Commissioner Yancey wrote the Bennington Committee of Safety that a certain number of men had been discharged to aid in forwarding supplies. He added: "The particular attention you pay for the welfare of your country demands its most cordial thanks for the same. General Gates directs to return you his sincere thanks for your good attention to the supplies of the army."

In a letter to Lord George Germaine, Burgoyne said of the plan to surprise Bennington, that "the possession of the cattle and carriages would certainly have enabled the army to leave their distant magazines, and to have

acted with energy and dispatch; success would also have answered many secondary purposes." In a hearing before the House of Commons he said: "Had my intelligence been worse founded, I should not have hesitated to try this expedition with such troops, and under such instructions as I gave to the commanding officer, for so great a purpose as that of a supply sufficient to enable the army to follow at the heels of a broken and disconcerted enemy." Burgoyne further stated that he had been informed by those whom he supposed to be in a position to know, that in the vicinity of Bennington "the friends of the British cause were as five to one, and that they wanted only the appearance of a protecting force to show themselves."

The instructions for this expedition were prepared originally by General Reidesel, and were amended by General Burgoyne. The object as stated, was "to try the affections of the country, to disconcert the councils of the enemy, to mount Reidesel's dragoons, to complete Peters' corps (of Loyalists), and to obtain large supplies of cattle, horses and carriages." No tents were to be taken and the officers were to take only such baggage as they could carry on their own horses. As originally drawn, the instructions provided that the expedition was to proceed from Battenkill to Arlington, and wait there until joined from the southward by Captain Sherwood's detachment of Provincials. From Arlington the force was to proceed to Manchester, securing the pass over the mountains to Rockingham. At Manchester the Indians and light troops were to be sent northward, toward Otter Creek. On their return, if intelligence had been received that the Americans were not in force in the Connecticut

valley, the Green Mountains were to be crossed to Rockingham, but great care was to be taken to guard against a surprise which might cut off the retreat of the troops. This force was to remain at Rockingham while the Indians and light troops were sent up the river, and on their return, the expedition was to descend the river as far as Brattleboro, and from that place return was to be made by the quickest possible march by the great road to Albany.

All horses suitable for mounting the dragoons, or transporting baggage, were to be taken, together with as many saddles and bridles as could be found; also wagons, draft oxen and cattle fed for slaughter. Milch cows were to be left for the use of the inhabitants. Receipts were to be given for property taken from persons who had complied with the terms of Burgoyne's manifesto, but none were to be given "to such as are known to be acting in the service of the rebels."

It was suggested, in view of the fact that persons would be with the expedition "perfectly acquainted with the abilities of the country," that it might be advisable to tax the several districts with certain proportions of the supplies and articles desired, with a time limit for their delivery. If more time should be needed for delivery, "hostages of the most respectable people should be taken, to secure their following you the ensuing day." All possible means were to be used to prevent plundering. It was expected that when Captain Sherwood joined the expedition at Arlington he would drive in a considerable quantity of cattle and horses, and these were to be sent to the army with a detachment of Peters'

corps as a guard. The horses were to be tied in strings of ten.

Colonel Skene, a well-known Loyalist, was to accompany the expedition as much as possible to aid in distinguishing "the good subjects from the bad." Whenever a halt was made for a day or two, the camp of the dragoons was to be entrenched. A detachment of Captain Fraser's or Peter's' corps was to precede and to follow the dragoons, in order to prevent an ambuscade while passing through the woods. The impression was to be given that this force was the advanced corps of the army, that it was intended to march to Boston, and that at Springfield the main army from Albany was to be joined by troops from Rhode Island. It was expected that the progress of the whole expedition might be effected in about a fortnight. It was anticipated that Warner's corps would retreat; but Baume was instructed that if the unexpected happened and the Americans were able "to collect in great force," he was to have in mind that his corps was too valuable to permit any considerable loss to be hazarded. Baume was to consult with Colonel Skene "upon all matters of intelligence, negotiation with the inhabitants, roads and other means depending upon a knowledge of the country."

The testimony of Lieutenant Colonel Kingston in the investigation of Burgoyne's campaign showed that General Fraser was opposed to the employment of the German troops on this expedition, but he refused, when urged to do so, to report this opposition to General Burgoyne.

The expedition under command of Lieutenant Colonel Baume, to quote from Burgoyne's letter to Lord



George Germaine, written August 20, 1777, consisted of "200 dismounted dragoons of the regiment of Reidesel, Captain Fraser's marksmen, which were the only British, all the Canadian volunteers, a party of the Provincials (Tories), who perfectly knew the country, 100 Indians and two light pieces of cannon; the whole detachment amounted to about 500 men." Several other statements from British sources fix Baume's strength at five hundred men, although not a few American writers have considered this number too low.

Early on the morning of August 12, the expedition left the British encampment at Fort Miller on the eastern bank of the Hudson, opposite the heights of Saratoga, with only such baggage as each soldier could carry conveniently on his back, and marched to Battenkill, where a camp was made for the night. Burgoyne rode up to give Baume further instructions, and here the expedition was joined late that night by fifty chasseurs, whom Burgoyne had sent as reinforcements. The next day, August 13, the whole British army moved up the river a few miles, to be ready to act upon news of Baume's expected success, but as a precaution a corps was posted at Battenkill. Starting from Battenkill at four o'clock on the morning of August 13, Baume proceeded as far as Cambridge, N. Y., arriving there at four o'clock in the afternoon.

On the way to Cambridge Baume was informed that at that place forty or fifty Americans had been left to guard some cattle, and he ordered thirty Provincials under Captain Sherwood and fifty Indians to hasten on hoping to surprise them. Five Americans were captured, also carts, wagons, some cattle and horses. On

the march fifteen Americans were encountered, who fired upon the advancing party and took to the woods. This may have been Ebenezer Allen's detachment, for a record in the early Vermont State papers gives a list made by Allen of camp utensils "lost at St. Coix on my being surprised and being obliged to retreat in haste by the enemy on the morning of the thirteenth of August, 1777." One of Sherwood's men was wounded. According to accounts from British sources, Baume received the submission of a considerable number of inhabitants, but their loyalty afterward was doubted by Burgoyne and others, who maintained that these men turned upon the British later after receiving arms. At this time Baume is said to have spoken in contemptuous terms of the Americans.

On the morning of August 14, it was Baume's intention to advance upon Bennington, and long before sunrise the corps was ordered to march. No opposition was encountered until Van Shaick's mill was reached at Sancoik, where White Creek, a branch of the Walloomsac River, unites with that stream at what is now known as North Hoosick, N. Y., about four miles from Bennington.

On the previous day, August 13, General Stark had heard that a party of Indians was at Cambridge, N. Y., and he sent Lieutenant Colonel Gregg with two hundred men to meet them. Perceiving that the force was too large to attack, Gregg's detachment fired from the underbrush and departed, having burned the bridge, a feat accomplished by Eleazer Edgerton of Bennington and two companies, under fire from the enemy. In the mill, Baume found and took possession of seventy-eight bar-

rels of fine flour, one thousand bushels of wheat, twenty barrels of salt, and pearl ashes and pot ashes said to have been valued at about one thousand pounds. Five prisoners taken here informed Baume "that 1,500 to 1,800 men were in Bennington, but are supposed to leave it on our approach," according to Baume's letter to Burgoyne, written on the head of a barrel.

Thus far the expedition had not made rapid time on the march, but the roads were very bad, and the route is described by a German officer as "one prodigious forest, bottomed in swamps, and morasses (which) covered the whole face of the country."

Being informed by an express that Gregg had encountered the enemy in considerable force, General Stark sent off messengers to Warner's regiment at Manchester, and to the militia of the vicinity, asking them to join him with all speed. Then with his own brigade, some of the militia, and Colonels Warner, Hancock, Williams and Brush, he hastened to the relief of Gregg, whom he met about four miles from Bennington, near the town line, with the enemy in close pursuit within half a mile of his rear.

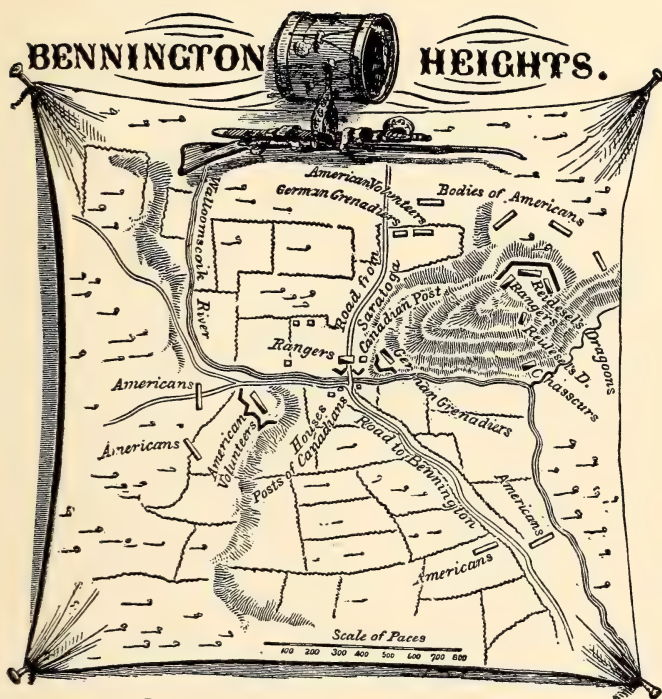
When Baume saw that he was opposed by a considerable force, he "halted on a very advantageous piece of ground" to quote from Stark's report, and sent to Burgoyne for aid. Stark drew up his force in order of battle on an eminence in full view of the enemy, but could not tempt them to engage in battle. He then fell back toward his base, perhaps a mile, and encamped about four miles northwest of Bennington, sending out a small party of skirmishers, who killed thirty of the enemy, including two Indian chiefs, sustaining no loss them-

selves, an indication of the skill of American marksmen.

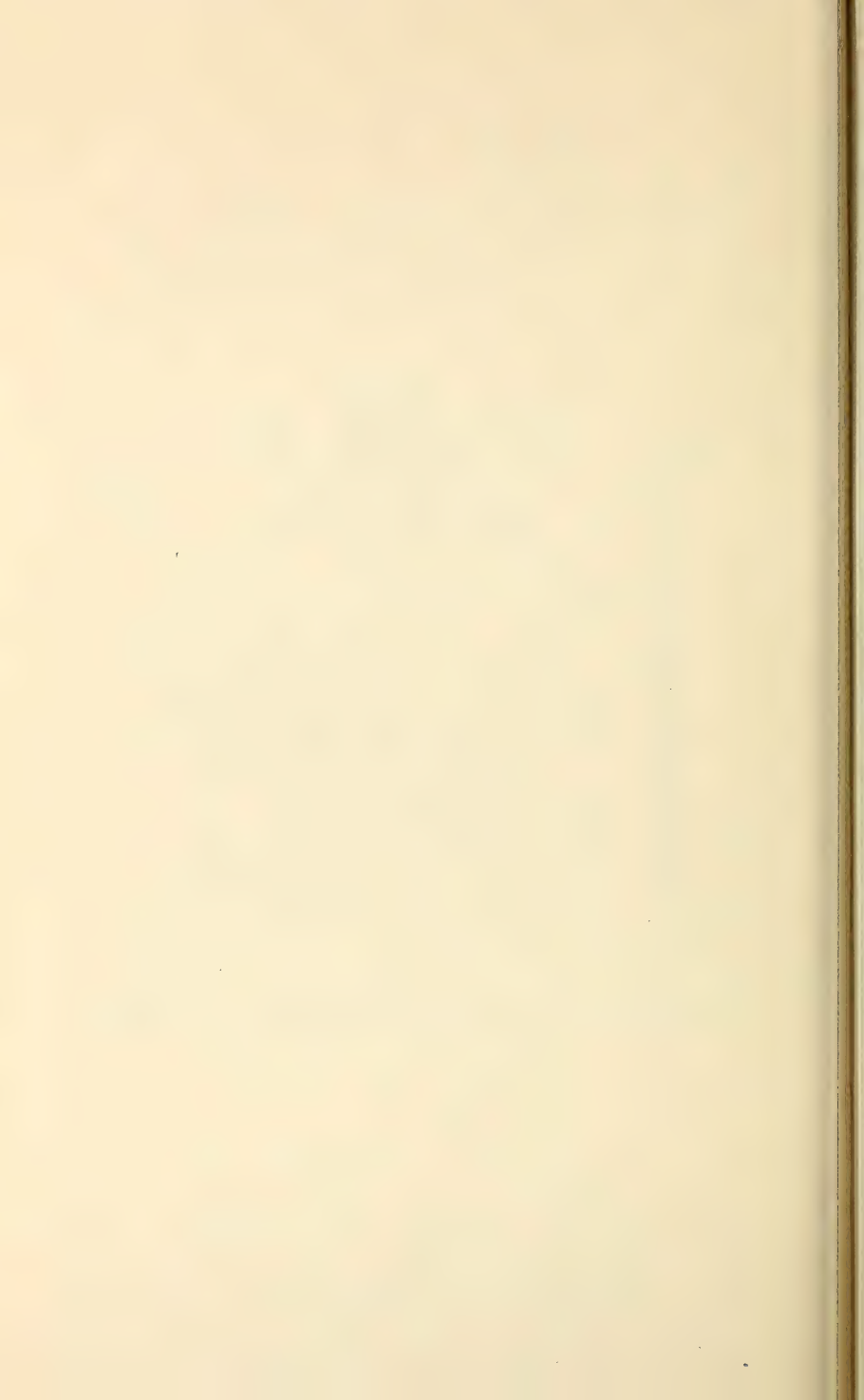
Stark called a council of officers, after establishing his camp, which was on the Vermont side of the present State boundary line, and a plan of attack was agreed upon. Baume's encampment was on the summit of a hill overlooking the Walloomsac River, where it changes its direction almost at right angles. On the front of his position a hill rises abruptly from the west bank of the stream. There were several log huts in the vicinity, which were occupied by Baume's troops. A considerable body of Loyalists under command of Col. Francis Pfister, a retired British officer, who resided in the town of Hoosick, and Peters' corps of Provincials, were stationed on the opposite side of the river from the main body of British troops, about three-fourths of a mile from this encampment, upon a hill considerably lower than the height occupied by Baume.

Stark had planned to attack the enemy on Friday morning, August 15, but rain fell the entire day. Glich, one of Baume's officers, says of this storm that it was "an absolute torrent, to afford shelter against which human ingenuity has as yet devised no covering." This rain was accompanied by "a perfect hurricane of wind," so that a general attack was not considered feasible. Stark, however, harrassed the enemy by frequent outpost attacks during the day, but the storm was so violent that not one in a dozen of the muskets could be discharged. The result of these skirmishes was favorable to the Americans, giving encouragement to the militia. Some of Baume's Indians deserted at this time, saying "the woods were full of Yankees." All day long, through the storm and tempest, and far into the night, Baume's





PLAN OF THE BATTLE OF BENNINGTON



men were engaged in throwing up works of defence both on the main redoubt occupied by the dragoons, and on the lesser fortification occupied by the Tories, commanding the road by which Burgoyne would send reinforcements. Logs from the farm cabins were used in constructing both fortifications. The torrents of rain repeatedly washed down the earth thrown up for works of defence, and the excavations and ditches were filled with water, but the men toiled on. Glich says that each man felt that he was working for his personal safety. By this time the invaders had become thoroughly alarmed, realizing that they were in a dangerous situation. Quoting again from Glich, he says that the night of August 14 was not spent "in a sense of absolute security." The night of August 15 was passed "not very comfortably, as may well be supposed, seeing that no fires were lighted, and that we were all impressed with a powerful sense of impending danger. \* \* \* There were few amongst us that slept very soundly. We could not but remember that we were cut off by a wide tract of desolate country from all communications with our friends, and exposed to attacks from every side from a numerous enemy; and the whoop which the savages raised from time to time, as well as an occasional musket shot, gave notice that even now that enemy was not inactive. Our anxiety for the return of day was greater by far than perhaps any of us would wish to acknowledge, even to his dearest friend."

A graphic picture of the beauty of the morning of the battle, Saturday, August 16, is found in Glich's narrative, in which he says: "The morning of the sixteenth rose beautifully serene. The storm of the pre-

ceding day having expended itself, not a cloud was left to darken the face of the heavens, whilst the very leaves hung motionless, and the long grass waved not, under the influence of a perfect calm. Every object around, too, appeared to peculiar advantage, for the fields looked green and refreshed, the river was swollen and tumultuous, and the branches were all loaded with dew drops, which glittered in the sun's early rays like so many diamonds. Nor would it be easy to imagine any scene more rife with peaceful and even pastoral beauty. Looking down from this summit of the rising ground, I beheld immediately beneath me a wide sweep of stately forest, interrupted at remote intervals by green meadows or yellow cornfields, whilst here and there a cottage, a shed, or some other primitive edifice reared its modest head as if for the purpose of reminding the spectator that man had begun his inroads upon nature, without as yet taking away from her simplicity and grandeur. I hardly recollect a scene which struck me at the moment more forcibly, or which has left a deeper or a more lasting impression on my memory." Before the setting of the sun that day this German officer looked down from this height above the Walloomsac upon a spectacle as far removed as one could imagine from the pastoral scene of the early morning.

When the news of Baume's approach reached Berkshire county, Massachusetts, there was great activity, and troops under Colonel Symonds and Lieut. Col. David Rossiter responded to the appeals for aid. Among these volunteers was a company of Stockbridge Indians, who wore the Indian costume, and acted as scouts for the American army. Parson Thomas Allen, of Pitts-



field, a man of strong character and great influence, accompanied the Berkshire militia, riding in the sulky in which he made his pastoral visits, and which has been likened in this instance to a war chariot. The Massachusetts troops arrived at Bennington during the night of August 15, thoroughly drenched by rain, but they had kept their powder dry. Frequent alarms in harvest time, which had failed to materialize in engagements, had called these men from their farms, greatly to their disgust, and many of the Berkshire militia regarded this as a false alarm, grumbling, no doubt, as they marched through the rain. Edward Everett, in his "Life of Stark," relates a tradition to the effect that before daylight on the morning of August 16, Parson Allen said to General Stark: "We the people of Berkshire, have been frequently called upon to fight, but have never been led against the enemy. We have now resolved, if you will not let us fight, never to turn out again." It is said that Stark asked him if he wished to march then, when it was dark and rainy, and he replied: "No, not just this minute." Stark is said to have responded: "Then if the good Lord should once more give us sunshine, and I do not give you fighting enough, I will never ask you to come again." Before the Berkshire men left their encampment that morning, Parson Allen prayed that the Almighty would "teach their hands to war, and their fingers to fight."

On Saturday morning all was quiet along the front of Baume's encampment, and the officers were encouraged by this lull to consider the advisability of resuming the offensive without waiting for reinforcements. Orders were issued for the men to eat their breakfasts, after

which an advance was planned. It is said that the soldiers hardly had stacked their arms and unslung their haversacks when, toward nine o'clock, scouts came in from various directions, saying that columns of armed men were approaching, but it could not be ascertained whether they were friends or enemies. Most of them were in their shirt sleeves, and upon being told by one of the Provincials that these men were Loyalists, Baume permitted them to encamp on his flanks and rear. Captain Fraser protested strongly against accepting the protestations of friendship made by these so-called deserters. Glich says that on the last day's march Baume had been joined "by many country people, most of whom demanded and obtained arms, as persons friendly to the royal cause." He says that about half past nine o'clock in the morning the advanced parties of the British force were withdrawn from thickets which might have been held for hours against superior numbers, and these points of vantage were occupied by the supposed Loyalists. According to Glich, this action caused great excitement and alarm among the King's troops, and he adds: "With the solitary exception of our leader, there was not a man among us who appeared otherwise than satisfied that those to whom he (Baume) had listened were traitors." Burgoyne and Reidesel also assert that Baume was duped by these supposed Loyalists, who turned upon him later in the day. There may be, doubtless there is, some foundation for the assertion, but it is difficult to take these statements at their face value, or to escape the belief that this incident was seized upon after the battle as a partial excuse for Baume's defeat. It is certain that Loyalists in considerable numbers

fought under the British colors that day, many of them being from the vicinity of the battle field. A letter written by Joseph Rudd, a Bennington soldier in Stark's army, says that "the bigger part of Dutch Hoosick was in the battle against us."

Stark was also joined on Saturday morning by Colonel Herrick with three hundred Vermont Rangers, who are said to have worn a uniform of green with red facings. The two Bennington companies led, respectively, by Captains Elijah Dewey and Samuel Robinson, also formed a part of the American army.

The plan of attack outlined in the council called by Stark, and intended for use Friday morning, was put into operation Saturday. After the orders had been given by General Stark on the morning of August 16, sitting in his saddle he is said to have pointed in the direction of the enemy and exclaimed: "There are the Redcoats, and they are ours, or this night Molly Stark sleeps a widow." This expression varies somewhat, as told by different persons, but the meaning in every instance is the same.

Colonel Nichols, of the New Hampshire troops, with two hundred men, and Colonel Herrick, of the Vermont forces, with three hundred men, were directed to attack, respectively, the right and the left of the rear of Baume's position. After Nichols had started he sent back for reinforcements, and one hundred men were ordered to join his detachment. It was necessary to make a wide circuit in order to avoid discovery by the enemy, and the Walloomsac was forded twice in the execution of this manœuvre. Colonel Hubbard and Colonel Stickney of General Stark's brigade with three hundred men

were ordered to the extreme right of the enemy's position. During the period of waiting for Stark's lieutenants to reach the positions assigned them, a threatened attack on the front attracted the attention of the enemy, the Berkshire militia, and the reserves, some three hundred strong, under the personal command of Stark, marching and countermarching near the Tory breastworks. A soldier who was a participant in this movement said: "We were marched round and round a circular hill till we were tired. Stark said it was to amuse the Germans. All the while a cannonade was kept up upon us from the breastworks. It hurt nobody and it lessened our fear of the great guns."

As the regiment approached the Tory entrenchments, Parson Allen, with the Berkshire militia, knowing that some of his old neighbors were in the enemy's ranks, mounted a fallen tree and made a speech, urging them to leave the enemies of their country, to prevent the shedding of blood, and warning them of the consequences of their hostility. It is hardly to be wondered that a shower of lead was the response, but it is remarkable that the militant clergyman escaped unwounded, although the tree on which he stood was riddled with bullets. This episode is an excellent illustration of the lack of discipline that prevailed among many of the American volunteers. After stepping down from the log, Parson Allen turned to his brother, Lieut. Joseph Allen, and said: "Now give me a musket: You load, and I'll fire," and the Parson is said to have fired the first gun from the American side, a little in advance of orders.



About three o'clock in the afternoon Nichols and Herrick completed their detour, and as they approached the rear of Baume's positions the Indians were driven in by the first volleys of Nichols' and Herrick's men, two Indians being killed, and fearing that they would be caught between the two companies they fled in single file between the two detachments, according to Thacher, with horrid yells and the jingling of cow bells. The British opinion seemed to be that the Indians were more of an annoyance than a benefit. Before the Ticonderoga campaign ended it was said of Burgoyne's Indians that they "seem to have given more trouble to him than to the enemy."

The sound of Nichols' musket fire was the signal for Stark to order his men to advance, and a continuous fire was poured upon the first line entrenchments held by the Loyalists under Colonel Pfister. The fire was so hot that the defenders could not endure it, and in a panic the Tories tried to scale the steep hill and gain the protection of the second line of entrenchments. The heavy rain of the previous day falling upon the upturned soil, dug over in the work of preparing Baume's defences, made the slope of the hill extremely slippery, and a foothold decidedly precarious. Below the fleeing Tories were the American militia, trained from their youth to careful marksmanship, and above was a hill almost impossible to ascend. As the fleeing Tories endeavored desperately to gain the shelter of the British entrenchments, the sharpshooters picked them off as hunters might shoot game running to cover, and down this slippery hill the Tories tumbled, some killed, some wounded, and others unharmed, but not able to secure

a foothold. It is related in some accounts that a portion of the American forces approached the Tory fortification under cover of a small ravine, or gully, which protected them until they were very near the fort. In this engagement Colonel Pfister was mortally wounded.

The Canadian troops, grenadiers and rangers, were driven from the log cabins and redoubts they occupied near the bridge. The main body of Stark's troops forded the river and advanced up the hill through the woods, toward Baume's redoubt, while Nichols and Herrick were attacking from the rear. It should be remembered that the attacking forces were militia, mostly without bayonets, who were matched against regular troops, protected by entrenchments and possessing two pieces of artillery.

The engagement opened, according to Stark's report to the New Hampshire Council, "precisely at three o'clock in the afternoon," and lasted two hours. For an hour and a half on that hot August afternoon, the American soldiers struggled to gain the eminence occupied by the British troops, amid a hail of bullets and an occasional shot from the enemy's brass cannon. Sheltering themselves behind trees, a method of warfare learned in Indian campaigns, Stark's soldiers at intervals advanced slowly but surely, until the crest of the hill was gained. At the last, the Americans, approaching from different directions were obliged to be careful not to shoot each other instead of the enemy. In another half hour the battle was won.

The British troops fought bravely, but their ammunition was exhausted. Glich says: "The solitary tumbril which contained the whole of our spare ammunition

became ignited and blew up with a violence which shook the very ground under our feet, and caused a momentary cessation in firing, both on our side and that of the enemy." For a time the bayonet, rifle butt, sabre and pike were used. Then Baume ordered his men to hang their carbines over their shoulders and rely on their swords. Reidesel claims that the King's troops broke through the American ranks twice, but were overpowered. Baume received a mortal wound in the abdomen while leading his men in an attempt to cut their way through their foes, and his troops were scattered. Glich claims to have escaped with about thirty of his comrades.

Jesse Field, an American soldier who participated in the battle, left a statement in which he said of the last stage of the contest that "after we passed the redoubt there was no regular battle—all was confusion—a party of our men would attack and kill, or take prisoners, another party of Hessians. Every man seemed to manage for himself and, being attached by chance to some squad, either under some officer, or without any, would attack every party that came in their way."

The defeated soldiers fled, abandoning their artillery and baggage, and were pursued about a mile, many prisoners being taken. Apparently nearly all of Baume's forces were killed, wounded, or taken prisoners.

Stark, in his report to General Gates, says that the engagement was "the hottest I ever saw in my life—it represented one continued clap of thunder." Parson Allen told of the "irresistible impetuosity" of the American attack; of "the ardor and patience beyond expectation" which they displayed; of the "extremely hot" fire

from the British redoubt, which he compared to "peals of thunder and flashes of lightning." In his report to the New Hampshire Council, Stark said: "Our people behaved with the greatest spirit and bravery imaginable. Had they been Alexanders, or Charleses of Sweden, they could not have behaved better."

But the battle was not ended with the defeat of Baume. General Stark in his orders had promised that all the plunder secured from the camp of the enemy should be distributed among his soldiers, and after the engagement many of the men scattered over the battle field, intent upon gathering the spoils of victory. There were also prisoners and wounded to be cared for at this time. Colonels Baume and Pfister, wounded unto death, were borne to a house in Shaftsbury, about a mile and a half from the battle field, the Tory leader being carried a part of the way on the back of Jonathan Armstrong, of Shaftsbury. Both officers died within twenty-four hours after their arrival. They are said to have been buried near the bank of the river a few rods below the site of a paper mill once owned by Hunter & Co. The exact place of burial is now unknown. Baume was buried "with all military honors."

During this period of confusion, Stark received news of the approach of British reinforcements, then only two miles away. It will be remembered that when Baume, on August 14, had met the American troops, he sent a messenger to General Burgoyne asking aid. This courier arrived in the night, bearing a letter which told that the Americans were in greater force than had been expected. Sir Francis Clarke, Burgoyne's aide-de-camp, was sent with orders to Lieutenant Colonel Breymann,



at Battenkill, with orders to march immediately to Baume's support. These orders were received at eight o'clock on the morning of August 15, and an hour later Breymann started with a corps consisting of twenty-two officers and six hundred and twenty rank and file, yagers, chasseurs and grenadiers, all Germans, and two cannon. Two ammunition boxes were placed upon the artillery wagons. Each soldier carried forty cartridges. It was necessary for the soldiers to ford the Battenkill River, which delayed their progress. There was trouble from the start. The weather was rainy. The roads were hilly and the mud almost bottomless, and it was necessary in the most difficult places to attach several horses to each cannon or ammunition wagon, pull it out of the mire, and then return for another. The ammunition carts were upset, the guide lost his way, and according to Breymann's own statement he could make hardly half a mile an hour. He was obliged to encamp seven miles north of Cambridge, N. Y., that night, but Lieutenant Hagerman was sent forward with a dispatch which Colonel Baume received at eleven o'clock in the evening, an answer being delivered the following morning. Early on the morning of August 16, Breymann started, but the roads were bad, and the artillery horses were weak from lack of food. Major Barner proceeded in advance of the main body and procured horses and carts, which were obtained before noon. At Cambridge a halt of half an hour was made "to collect the columns." About two o'clock in the afternoon word was received from Colonel Skene that the Americans showed signs of re-occupying the mill at Sancoik and an advanced guard of eighty men was sent forward. It was 4:30

o'clock in the afternoon when Breymann reached this mill at Sancoik, where he met Colonel Skene, and learned that Baume was only two miles distant. He says that he had heard neither cannon nor musket shot, and if Colonel Skene knew that a battle was in progress, Breymann was not informed of the fact. A little way beyond the bridge a considerable number of armed men, some of whom wore either blouses or jackets, were seen hastening toward an eminence on Breymann's left flank. Colonel Skene thought these men were Loyalists, but when he called to them their answer was a volley of musketry. Thereupon Major Barner was directed to advance upon the eminence and the grenadiers and yagers were sent forward upon the right.

This was the beginning of the second part of the battle of Bennington. Colonel Rossiter, of the Massachusetts militia, was active in attempting to rally the American troops. In his narrative of the battle, Silas Walbridge says that at this stage some of the officers were ordering "forward" and others "retreat." One story is to the effect that General Stark gave an order to retreat, but Col. Seth Warner, hearing it, exclaimed: "Stand to it my lads; you shall have help immediately." It appears from a Massachusetts letter of the period that when Stark learned of Breymann's approach, he sent out an express calling for reinforcements.

There has been no little dispute over Colonel Warner's presence or absence during the first part of the battle of Bennington, but General Stark's official correspondence, and the testimony of men who participated in the battle, appear to show conclusively that Warner was with Stark during the period immediately preceding the

battle, and during the battle itself. Colonel Warner's regiment had been stationed at Manchester, and word had been received on August 14 that it was needed at Bennington, but owing to the absence of a large scouting party under Capt. John Chipman the regiment did not leave until the morning of August 15. Marching all day through the rain, it was nearly midnight when Warner's men reached a point about one mile from Bennington village, and encamped. A considerable part of Saturday forenoon was spent in drying arms and equipment and securing additional ammunition, of which there was a shortage, so that it was noon or after before a start was made from Bennington. A short stop was made at Stark's encampment, where coats and knapsacks were left and each man was served with a gill of rum and water.

It was late in the afternoon when Warner's regiment, commanded by Lieutenant Colonel Safford, only about one hundred and thirty men being left after the Hubbardton defeat, arrived on the battle field. Some of the American troops had been rallied, and a defence was being made against Breymann's troops, but Stark's forces were falling back slowly, contesting every inch of ground.

In the second engagement the two brass cannon captured in the first battle were used by the Americans, but it is said that Breymann's two guns were of larger calibre. Warner's fresh troops arrived just in time to furnish a rallying point for the somewhat demoralized American forces. A misunderstanding of orders sent some of Warner's force into a swamp, but they soon extricated themselves. The regiment retreated slowly

and in good order for about three-quarters of a mile, firing constantly. When high ground was reached a stand was made. An attempt on the part of the enemy to execute a flanking movement on the right was partially successful, but finally was defeated. Gradually the scattered American troops were assembled, and after severe fighting lasting two hours, Breymann's force was repulsed, his two field pieces were taken, and the fleeing enemy were pursued into the forest as long as their pursuers could see to follow them. Stark says the whole body would have been captured with another hour of daylight.

Breymann's soldiers made better time on the return march than they did on the advance, reaching Cambridge, N. Y., about midnight of August 16, where they remained until morning, when the march was renewed, and on Sunday afternoon Burgoyne met the defeated troops at the camp of the Twentieth regiment, which had advanced on the road to Sancoik.

In Stark's report to Gates he summarized the spoils of victory as four brass cannon, seven hundred stands of arms, some brass barreled drums, and several Hessian swords. About seven hundred prisoners were taken and two hundred dead were found on the battle field. Stark's letter to the New Hampshire Council after the battle, dated August 18, gives the list of prisoners as follows: One Lieutenant Colonel, since dead, one Major, seven Captains, fourteen Lieutenants, four Ensigns, two Cornets, one Judge Advocate, one Baron, two Canadian officers, six Sergeants, one aide-de-camp, one Hessian Chaplain, and seven hundred prisoners. He



says that upward of two hundred of the enemy were killed in battle. In a letter written to General Gates on August 22, Stark says two hundred and seven dead were left by the enemy on the battle field. General Lincoln, writing to General Schuyler two days after the battle, gave the list of prisoners substantially the same as did General Stark, so far as officers are concerned, but he mentions thirty-seven British soldiers, thirty-eight Canadians, one hundred and fifty-one Tories and three hundred and ninety-eight Hessians among those taken, in addition to eighty wounded prisoners. He estimated the number of the enemy's dead at two hundred. General Stark gave his own losses as forty wounded and thirty killed. Lincoln's letter to Schuyler on this subject says: "We had about twenty or thirty killed in the action and perhaps fifty wounded." General Burgoyne, in a letter to Lord George Germaine, written August 20, gives the British loss in killed and prisoners in both actions at Bennington as twenty-six officers and about four hundred men, and he adds that the American loss in killed and wounded was "more than double to ours." While it may be natural for an American writer to prefer American estimates, the weight of evidence appears to be in favor of the figures given by Stark and Lincoln. Burgoyne was writing to the rulers of England, in whose favor, naturally, he desired to stand as well as possible, and it is not strange that he should minimize his own losses and magnify those of his opponents, when his story, at best, was that of a defeat.

Stark was a plain, blunt soldier, who did not seek to win favor for himself by fair words or boastful claims. The only note of exultation in his brief and modest reports may be found in a postscript to his letter to the New Hampshire Council, in which he observed: "I think in this action we have returned the enemy a proper compliment for their Hubbardston (Hubbardton) engagement." It is probable that the British dead in the battle of Bennington amounted approximately to two hundred and fifty. In the skirmishing of August 14 they are said to have lost thirty, and Stark reports two hundred and seven dead on the field. Very likely some were slain in the pursuit of Breymann's fleeing troops through the forest.

General Lincoln's estimate of the forces engaged was about two thousand American and fifteen hundred British soldiers. President Bartlett of Dartmouth College, in his address delivered on the centennial anniversary of the battle of Bennington, presented a careful statement of the number of American troops engaged in this conflict, most of his figures being taken from official records. Of Stark's brigade of one thousand, five hundred and twenty-three men, one company had been left at Charlestown, N. H., but the two companies sent to guard the height of land between Charlestown and the sources of Otter Creek were called in before the battle. The records for the Vermont and the Massachusetts troops are far from complete, but President Bartlett estimates them at five hundred Vermont and two hundred and fifty Massachusetts soldiers, or approximately two thousand, two hundred and fifty men.

Capt. Peter Kimball, a New Hampshire officer, recorded in his diary that the plunder taken at Bennington was divided among two thousand, two hundred and fifty men. Possibly a few men who came in too late for the battle may have had a share, but the best sources of information indicate that the forces under Stark's command were between two thousand and two thousand, two hundred and fifty officers and soldiers.

The prisoners were crowded into the meeting house at Bennington until it was feared that the safety of the structure was endangered, and some of them were withdrawn. It is said that some of these escaped. Most of the prisoners who were in the custody of General Fellows were sent to Massachusetts, many going to Boston. On August 19 they were at Lanesboro, Mass. A few were left in Berkshire and Hampshire counties. By order of the General Court some of these prisoners were consigned to committees representing various towns in these counties, and, as labor was scarce, they were permitted to be hired for wages. A few of these laborers became permanent residents of the towns where they were assigned. The Tory prisoners were marched into the village, two by two, and the women of Bennington took down their beds to obtain cords with which to bind them, a fact to which General Stark alluded in a letter written in his old age. Capt. Samuel Robinson was appointed overseer in charge. Some of them were kept, for a time, at least, in the meeting house, others in Captain Dewey's barn, and in the school house. Later, some of them were banished from the town, under penalty of death if they should return; some were sentenced to labor

in the mines at Simsbury, Conn.; others (Loyalists) were permitted to return to their own farms under condition that they should not go beyond the limits of their own lands.

It is related that Doctors Potts and Harvey ministered to the wounded with medicines and amputating instruments. It was necessary to bring some of the injured to Bennington in ox-carts. It is not strange that the wounded lacked the best medical treatment in this frontier region. General Lincoln was moved to write to the Massachusetts Council: "It is very unhappy for the wounded, and painful to us, that such is our situation that we can not afford them all that speedy relief which their distresses demand of us." It is related that Doctor Wood, Surgeon to General Burgoyne's hospitals, visited General Gates with a letter from General Burgoyne, complaining of the treatment of wounded prisoners, captured at Bennington. Doctor Wood had been sent to Bennington under a flag of truce, where more than one hundred severely wounded Brunswickers were in hospitals. As the captured German officers were in need of money, clothing and linen, General Reidesel sent them one hundred guineas, and various necessities, and at Burgoyne's suggestion he took medicines and surgical instruments with him.

General Reidesel, in his "Memoirs," gave details of the battle of Bennington, although he did not participate in the engagement. The dragoon regiment, according to a report by Adjutant Clene, should have numbered twenty officers, thirty-three non-commissioned officers, eight musicians, two hundred and forty-six privates and



twenty servants. After the battle this regiment numbered five officers, five non-commissioned officers, two musicians, seventy-seven privates and fourteen servants. Among the missing officers were Major von Maiborn, Captains von Frick, von Reineking, von Schlagenteuffel, Jr., Lieutenants von Reckrodt, von Reicheufeld, von Bottimer, and Amiers, several of whom are known to have died. Lieutenant Boera and Chaplain Melzheimer were wounded. Four New Hampshire officers were killed and two died of wounds received.

Four Bennington men were among the dead, John Fay, Henry Walbridge, Daniel Warner and Nathan Clark. It is said that the news of the death of John Fay, passed along the battle line of Vermonters, aroused the troops who were maddened to fury and advanced over the breastworks "with an impulse of onset that no mortal could resist."

Before and during the fighting on that eventful sixteenth of August, the people of Bennington and Williamstown, Mass., women and aged men, assembled in their churches to pray for victory, and before the battle Colonel Nichols knelt with his men in prayer, while Parson Allen prayed before the Berkshire men were led into action. Before the battle some feeble and helpless persons were removed from Bennington to Pownal, while others sought safety in Massachusetts or Connecticut.

General Stark presented to each of the three States, Vermont, New Hampshire and Massachusetts, a Hessian gun and bayonet, a broadsword, a brass barrelled drum and a grenadier's cap. In acknowledging the gift,

Thomas Chittenden, as president of the Council of Safety, thanked General Stark sincerely on behalf of the Council "for the infinite service he had been pleased to do them in defending them and their constituents from the cruel and bloody rage of their unnatural enemy, who sought to destroy them," and after acknowledging with gratitude the gifts transmitted, he added: "The General may rely that they will be reserved for the use they were designed." It is greatly to be regretted that this promise was ignored and that these trophies were valued so lightly that they were not preserved, as was done in Massachusetts and New Hampshire. The Hessian broadsword was presented to the Council to be kept in the Council chamber "as a memorial in commemoration of the glorious action fought at Walloomscoot Aug. 16, 1777. In which case the exertions of the said council was found to be exceedingly serviceable."

In thanking General Stark for his trophies the Massachusetts Legislature paid this tribute to the valor displayed at the battle of Bennington:

"The events of that day strongly mark the bravery of the men who, unskilled in war, forced from their intrenchments a chosen number of veteran troops of boasted Britons as well as the address and valor of the General who directed their movements, and led them on to conquest. This signal exploit opened the way to a rapid succession of advantages most important to America." The Board of War was directed "in the name of this court" (the General Court, or Legislature) to present to "the Hon. Brigadier Stark a complete suit of clothes becoming his rank, together with a piece of

linen, as a testimony of the high sense this court has of the great and important services rendered by that brave officer to the United States of America.”

Vermont now possesses two valuable trophies of this battle in two brass cannon, supposed to be the ones captured in the storming of the redoubt and turned upon Breymann's reinforcements. In a thorough investigation of the history of these cannon, Horace W. Bailey learned that after their capture they were taken into the Hudson valley and used in the battles that resulted in the surrender of Burgoyne. In process of time they became a part of the ordnance of General Hull, in the War of 1812, and were surrendered with his army when the British captured Detroit, just thirty-five years after they were taken by Stark. When the Americans captured Fort George these guns were taken once more. When the second war with Great Britain closed these cannon found a place in the United States Arsenal at Washington. In time they were thrown outside the building, their carriages having become useless, and they were found by Henry Stevens, the Vermont antiquarian. At his suggestion Governor Slade recommended that action be taken to secure these trophies for Vermont, and the Legislature adopted a resolution requesting the Governor to demand the return to Vermont of the four brass cannon taken by the Green Mountain Boys at Bennington. The Secretary of War having declined to deliver the cannon, the Legislature requested the Vermont delegation in Congress to use their exertions to secure proper authority for their transfer. Mr. Collamer, then a member of the House, introduced a resolution in 1846

asking for the four cannon, which failed to pass. In 1848 he introduced a resolution asking for two of the cannon and supported his resolution in an eloquent speech. The resolution was adopted, and on July 27, 1848, an order was issued transferring the cannon to Vermont. On October 20, of that year, they were installed at the State House at Montpelier with appropriate exercises, where they still remain among the State's most cherished relics. It is said that one of the brass cannon taken from Breymann at the battle of Bennington, known as the "Molly Stark Gun," is in the possession of the town of New Boston, N. H.; and that its companion piece was placed on a New Hampshire privateer during the War of 1812 and was lost at sea.

There are in existence a large number of anecdotes relating to the battle of Bennington which cannot be woven into the main story of the engagement, and some of them are given here as throwing additional light on the general subject.

In an account of the battle by Thomas Mellen, a soldier who participated in the engagement, it is said: "Stark and Warner rode up near the enemy to reconnoiter; were fired at with cannon and came galloping back. Stark rode with shoulders bent forward, and cried out to his men. 'Those rascals know that I am an officer; don't you see they honor me with a big gun as a salute.'" Bancroft quotes from a German writer to show that the American sharpshooters advanced to a point within eight yards of the loaded cannon, in order to pick off the artillerymen.



It is said that Stark was obliged personally to show his men how to load and fire the cannon taken from Baume, as they did not know how to do it.

Some of the volunteers came to Bennington armed with scythes and axes, according to a resident of Bennington who was a boy at the time of the battle and saw the militia arrive.

After the battle Lieut. James Claghorn of Rutland counted seven bullet holes in his hat and clothes.

Stark had ordered a hogshead of rum to be distributed to the men after the first engagement, but they left it untasted to meet Breymann's troops.

It is said that Colonel Baume's cap was worn to the Legislature for many years by the Representative from Pownal.

The whole expenses of Stark's brigade amounted to four hundred ninety-one pounds, one penny.

Some of the American troops slept in a cornfield the night after the battle, each man using a hill of corn for a pillow.

Forty-two out of one hundred and nine poll taxpayers of Salisbury, N. H., were in the battle, their Captain being Daniel Webster's father.

Ten Tories were buried in a common grave, most of them shot through the head, an indication of the accuracy of the aim of the American riflemen. In the old cemetery at Bennington Center, in a common grave, lie American, British and Hessian soldiers, over which has been erected a marker of Barre granite.

A few days before the battle of Bennington a scouting party of Tories and Indians was sent out to operate

between Fort Edward, N. Y., and Bennington. Among the captives taken was the wife of Capt. Elisha Coon. Although in a delicate condition she was compelled to travel on foot. During the night of the second day following her capture she gave birth to a child. Notwithstanding her weakness she was compelled to resume her journey the next morning to the place where Baume's troops were encamped previous to the attack by the forces under General Stark. When the Indians fled at the opening of the battle, she was taken with them until Breymann's reinforcements were met. Compelled to follow the German troops, after their defeat she accompanied them in their hasty retreat to Cambridge, N. Y. Here she became ill, and being left without a guard, she hid herself and child until the retreating soldiers had departed, and with much difficulty returned home. Nothing was left for food except a little salt pork, which had been concealed, and some ripe cucumbers. All other provisions, the cooking utensils and the furniture had been taken away. She kindled a fire, roasted the cucumbers in the embers and ate them, although fearful that such a diet might prove fatal. Three weeks after her return home she was made prisoner again by another party of Tories and Indians and was taken to Stillwater, but once more managed to escape, this time while the battle of September 19, was being fought.

It is asserted that Burgoyne was influenced by Major Skene to advance upon Bennington, being assured by him that large numbers of the yeomanry would flock to his standard. Skene was strongly disliked by the Americans and strenuous efforts were made during the battle

to kill or capture him. Four horses were shot under him and a fifth was so seriously wounded that the animal died soon after it had carried its rider to a place of safety. After Burgoyne's surrender, Skene went to England, not daring to return home. His property was confiscated and sold.

General Burgoyne, in his account of the battle, endeavored to convey the impression that Stark and his forces were at Bennington purely by accident, a claim which the facts of history are far from justifying. While Stark did not know of Baume's approach until the latter was a few miles away, he was at Bennington in response to the appeal made by the Vermont Council of Safety, in order to meet just such an attack as that which the German troops intended to make.

An account of the battle in the *Pennsylvania Evening Post*, said that on the way to Bennington eighteen Massachusetts soldiers deserted and went over to the enemy, and that after the battle fifteen of the deserters were found dead upon the field. It is also stated that "a good number (of the German troops) deserted and joined us."

Parson Allen found a German soldier's horse laden with panniers full of bottled wine, which he distributed to wounded and exhausted soldiers, retaining two large bottles as trophies.

Heman Allen, oldest brother of Ethan and Ira Allen, a member of the Vermont Council of Safety, went to the battle field, became greatly fatigued, caught a severe cold, and contracted an illness from which he never recovered, dying May 18, 1778.

In a newspaper of the period it is related that Stephen Fay, landlord of the Catamount Tavern, sent five sons to the battle of Bennington. Following the engagement he was informed that he was unfortunate in one of his sons. He inquired if the son had misbehaved, or deserted his post. "Worse than that," was the reply, "he is among the slain; he fell contending mightily in the cause." "Then I am satisfied," said the father, and he asked that his son's body might be brought to him. When this request was complied with the bereaved father washed his son's wounds, saying, "I thank God I had a son who was willing to give his life for his country!"

On the day of the battle of Bennington, Capt. Isaac Tichenor, then Deputy Commissary General for purchases for the Northern Department of the army, afterward Judge, Governor and United States Senator, arrived at Capt. Elijah Dewey's tavern. Although large kettles filled with meat were boiling over the fire, Mrs. Dewey declined to get dinner for him. Her attention being called to the contents of the kettles, she said: "That is for the men who have gone to fight for their country, where you ought to be." When the traveller explained the manner in which he was serving his country, dinner was forthcoming.

Many other incidents and anecdotes might be gathered, for they formed an important theme of conversation for many years after the engagement, and a large number of them found their way into print.

Just three days after Stark had won his notable victory, the Continental Congress having received no news



of the battle of Bennington, gravely declared that the liberal instructions given to Stark by virtue of which he was not subject to the Continental authorities, were "destructive of military subordination and highly prejudicial to the common cause," and requested the New Hampshire Council to revoke the orders immediately. That there was an element of truth in the criticism cannot be denied. Had such a policy been followed generally, lack of discipline and subordination, one of the most serious evils of the time, would have been even more serious. And yet it may be said in all fairness that Congress had treated Stark unjustly in the matter of promotion, and that in all probability Burgoyne would have secured the Bennington stores, and would have made Vermont a British province, if Stark had been subject to Schuyler's instructions. When the news of Baume's defeat reached Philadelphia, Stark's conduct was viewed in a different light, and on October 4, Congress, by a unanimous vote, thanked General Stark, "and the officers and troops under his command, for their brave and successful attack upon, and signal victory over the enemy in their lines at Bennington." At the same time Stark was appointed a Brigadier in the army of the United States.

There has been some discussion concerning the correct name of this engagement, and in this connection it is interesting to note that in a communication to the Massachusetts Legislature, January 8, 1778, General Stark referred to it as the "battle of Bennington."

One year after the battle, a public celebration of the anniversary was held at Bennington, with a speech by

Noah Smith and a poem by Stephen Jacob. For many years thereafter, on each anniversary, public exercises, often including a sham battle, were held at Bennington, and the State Legislature has made August 16 a holiday. The centennial anniversary was a notable occasion, President and Mrs. Hayes, members of the Cabinet and other distinguished guests being present.

Ten years later, the cornerstone of a monument was laid near the site of the storehouse, the contents of which Baume sought to capture, and on August 16, 1891, the year being the one hundredth anniversary of the admission of Vermont to the Union, the monument was dedicated in the presence of President Harrison, members of his Cabinet and distinguished citizens from many States. The monument is constructed of blue-gray magnesium limestone. It is three hundred and six feet, four and one-half inches high and the base at the surface is thirty-seven feet square. The architect was G. Philip Rinn of Boston.

Washington had written Schuyler on July 22: "Could we be so happy as to cut off one of his (Burgoyne's) detachments, supposing it should not exceed four, five or six hundred men, it would inspirit the people and do away much of their present anxiety. In such an event they would lose sight of past misfortunes, fly to arms and afford every aid in their power." These words were prophetic. After the victory Washington in a letter to General Putnam, wrote of "the great stroke struck by General Stark at Bennington," and expressed the hope that New England would crush Burgoyne. Governor Clinton of New York wrote: "Since the

affair at Bennington, not an Indian has been heard of to the northward; the scalping business seems to have ceased; indeed I do not apprehend any great danger from the future operations of Mr. Burgoyne." General Schuyler wrote to Stark: "The signal victory you have gained, and the severe loss the enemy have received cannot fail of producing the most salutary results." The wife of General Reidesel, in expressing her opinion, said: "This unfortunate event paralyzed at once, our operations." Bancroft, the historian, has described this battle as a "victory, one of the most brilliant and eventful of the war."

One of the most interesting and valuable estimates of the importance of this battle may be found in the writings and speeches of General Burgoyne. In his review of the evidence concerning his campaign presented before the House of Commons, he alluded to Lord George Germaine's characterization of the Bennington expedition as "fatal" and "the cause of all subsequent misfortunes," and said: "The force found at Bennington upon the march from the Hampshire Grants to the main army proved the vigor and alacrity of the enemy in that country. The circumstances of the action at Bennington established a yet more melancholy conviction of the fallacy of any dependence upon supposed friends. The noble Lord has said that 'I never despaired of the campaign before the affair of Bennington; that I had no doubt of gaining Albany in as short a time as the army (in due condition of supply) could accomplish the march.' I acknowledge the truth of the assertions in their fullest extent: all my letters at the

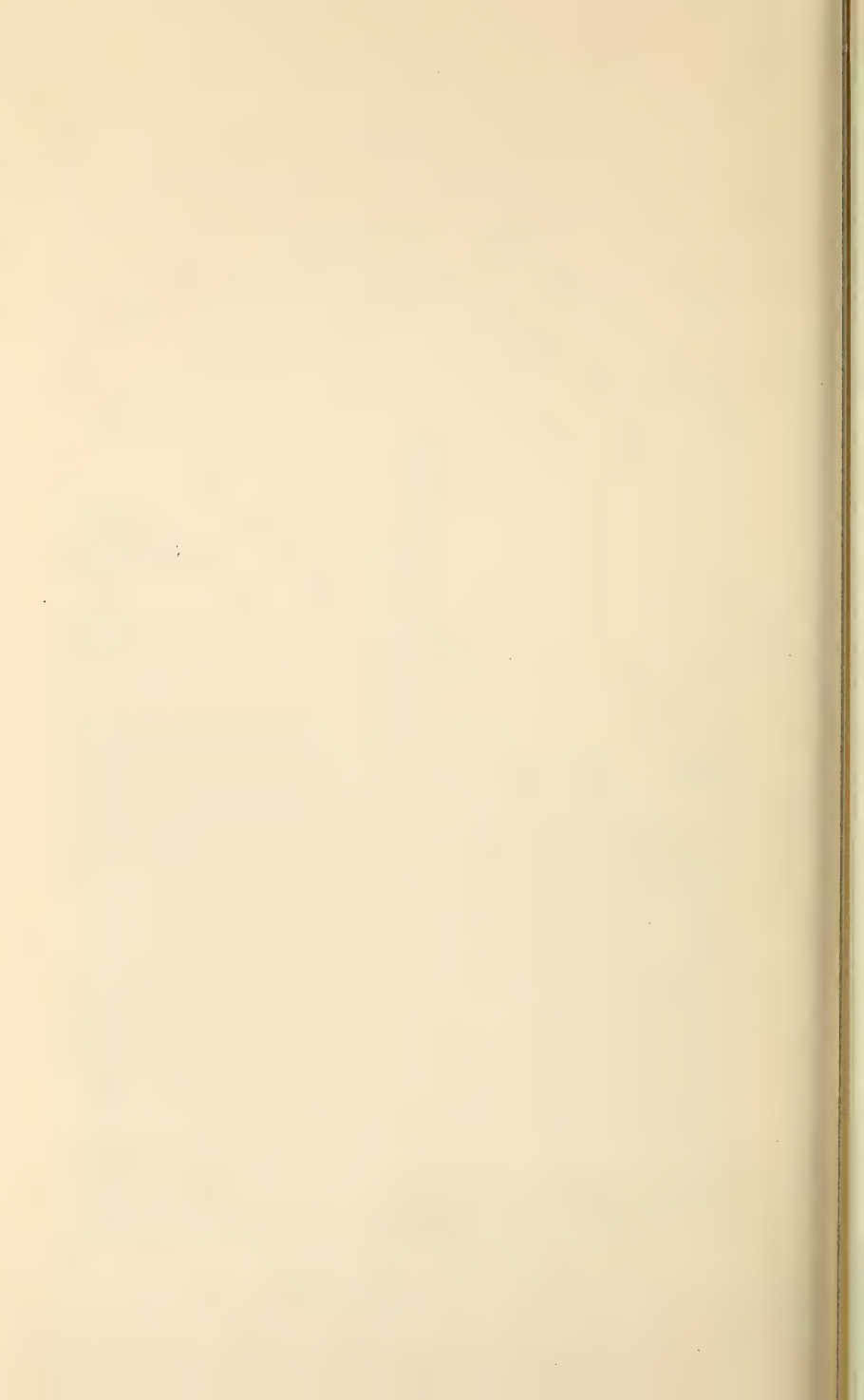
time show it. I will go further and in one sense apply with the noble Lord the epithet 'fatal' to the affair of Bennington. The knowledge I acquired of the professions of loyalty was 'fatal' and put an end to every expectation from enterprise unsustained by dint of force." Elsewhere in the same address Burgoyne said: "He must be of steady faith indeed in American loyalty who can suppose much of it really existed in the country of the Hampshire Grants (howsoever it had been affected and professed) when he reflects not only that General Stark and Colonel Warner were not opposed in collecting their men, though my army, then in a tide of success, were near at hand; but also that not a Loyalist was found earnest enough to convey me intelligence."

In a private letter to Lord George Germaine, written immediately after the battle of Bennington, Burgoyne had said: "I find daily reason to doubt the sincerity of the resolution of the professing Loyalists. I have about four hundred, but not half of them armed, who may be depended upon; the rest are trimmers, merely actuated by interest. The great bulk of the country is undoubtedly with the Congress, in principle and in zeal; and their measures are executed with a secrecy and dispatch that are not to be equalled. Wherever the King's forces point, militia to the amount of three or four thousand assemble in twenty-four hours, they bring with them their subsistence &c. and, the alarm over, they return to their farms. The Hampshire Grants in particular, a country unpeopled and almost unknown in the last war, now abounds in the most active and most rebellious race of the continent, and hangs like a gather-





The Bennington Battle Monument



ing storm upon my left." Surely the British commander was in no doubt regarding the importance of the battle of Bennington, or the loyalty of the people of the New Hampshire Grants to the American cause.

In Everett's "Life of Stark" the distinguished author said concerning the battle of Bennington: "Too much praise cannot be bestowed on the conduct of those who joined the battle of Bennington, officers and men. It is, perhaps, the most conspicuous example of the performance by militia of all that is expected of regular veteran troops. The fortitude and resolution with which the lines at Bunker Hill were maintained by recent recruits against the assault of a powerful army of experienced soldiers have always been regarded with admiration. But at Bennington the hardy yeomanry of New Hampshire, Vermont and Massachusetts, many of them fresh from the plough, and unused to the camp, 'advanced,' as General Stark expresses it, 'through fire and smoke,' and mounted breastworks that were well fortified with cannon."

While it is true, probably, that Stark's forces outnumbered those commanded by Baume, the advantage of numbers was offset by the fact that untrained militia were pitted against veteran troops, behind intrenchments. Without artillery, with few bayonets, with little military training, these farmer soldiers had the courage to storm breastworks in the face of artillery fire and to kill or capture most of Baume's troops. The fortunes of war, which aided the British in the battle of Hubbardton, bringing Reidesel to the scene of conflict just in time to snatch victory from defeat, operated in be-

half of the Americans at the battle of Bennington, and brought Warner's decimated regiment on the field at an opportune moment, making possible the defeat of Brey-mann's detachment. Without the aid of these Green Mountain troops Bennington might have been a British victory. The speed with which Stark assembled and equipped his troops, and crossed the Green Mountains, making his own road a part of the way, in itself was a notable achievement in the mobilization of troops at that period.

The results of this battle were far reaching. Burgoyne was sorely in need of the supplies that were the object of Baume's expedition, and his failure to secure them handicapped him severely. He could ill afford to lose the troops that were killed and captured. The victorious advance of Burgoyne had encouraged the Loyalist spirit, and, although the British commander had overestimated it, there was enough of it to cause the American leaders much concern. The battle of Bennington to a great extent put an end to the Loyalist movement in the Northern region. More than that it heartened the Americans wonderfully. It taught them that they could meet and conquer British troops. It overcame the terror which had prevailed with the advance of Burgoyne, and resulted in the flocking of the militia in large numbers to the standard of General Gates, who succeeded Schuyler almost immediately after the battle.

If Baume had captured the Bennington stores it is probable that Burgoyne would have taken Albany and would have effected a junction with Howe. Very



largely as a result of the victory at Bennington, Gates was able to compel the surrender of Burgoyne, and the result of that surrender was to strengthen America immeasurably in Europe, to secure foreign aid and to exert a powerful influence in securing the independence of the United States. In his masterly oration at the dedication of the Bennington battle monument, Edward J. Phelps said: "That conflict was the last hope of the Hampshire Grants. They were fighting for all they had on earth, whether of possessions or rights. They could not go home defeated, for they would have had no homes to go to. The desolate land that Burgoyne would have left, New York would have taken." Of the battle he said: "It was the first success of the Revolution which bore any fruit. Its guns sounded the first notes in the knell which announced that the power of Great Britain over the colonies she had created and had sacrificed, was passing away. Burgoyne heard it, and knew what it meant. Washington heard it and hearing took heart again."

Bennington was an active center of military operations for some time after the battle. General Stark remained there about a month. A communication signed by him was dated at Bennington September 15, and it is recorded that he reached General Gates' headquarters by easy marches and a circuitous route the morning of September 18. Troops were coming to and going from Bennington frequently, and to such an extent that the Council of Safety in session at that place, directed Joseph Fay, its secretary, to call the attention of General Gates to the necessity of building barracks and a

hospital there. Attention was called to the fact that large quantities of Continental stores were kept there, including provisions and ammunition "for the use of the Continent," that a guard was necessary to protect the stores; that it had become "a place where soldiers rendezvous," and that the lack of accommodations was "very inconvenient for both officers and soldiers who are passing to and from the army," as well as "very troublesome to the inhabitants," who "have been willing to suffer anything to support the American cause, & still are."

General Lincoln, writing from Bennington on August 20 relative to the prospect of considerable reinforcements of the Massachusetts militia, says he cannot inform the General Court where the militia will act, but adds, "I think it is most probable at present in the Grants." The militia from Berkshire and Hampshire counties had been permitted to return home, and many of the soldiers from Middlesex and Worcester counties were growing "exceedingly impatient," and he found he could not detain them until the arrival of the three months' men.

General Lincoln, in a letter dated Bennington, August 25, and addressed to the New Hampshire Council of Safety, said: "By a conference yesterday with the honourable Major General Gates, I have reason to believe that the militia from your State, the Massachusetts and the Grants will remain for some time on the east side of the Hudson River." Gates had instructed him to apply for such troops "as may be wanted in the Grants." Massachusetts had ordered out one-sixth of

its militia, which he expected to join him at Bennington. Gen. Jonathan Warner, writing to Col. Abijah Stearns of the Massachusetts militia, August 25, directs the latter to send every sixth man in this regiment, "with all possible dispatch," to join his brigade of the Northern army stationed at Bennington. Frequent references are made to Massachusetts troops expected to join General Lincoln at Bennington. Lincoln wrote from Bennington, September 3, informing the Massachusetts authorities of the need of tents, and saying that "troops are arriving daily," and he hopes the number raised will arrive soon. The Vermont Council of Safety, on September 4, appointed Jacob Bayley, Jonas Fay and Ira Allen a committee to wait on General Lincoln to assure him that "every aid and assistance in the power of this Council will be granted him on the earliest notice."

During the weeks immediately following the battle of Bennington, General Lincoln had been assembling troops at that place, and later at Manchester, for the purpose of attempting to cut General Burgoyne's communications at and in the vicinity of Ticonderoga. On Monday, September 8, he marched with a small force from Manchester to Pawlet. Col. John Brown, with a party of five hundred men, consisting of Herrick's Rangers, some volunteers and militia, on September 14, was ordered to proceed to the north end of Lake George, where he was to destroy the enemy's boats and stores, release the American prisoners, and, if feasible, without involving too great a loss, to make an attempt to capture Ticonderoga itself. Colonel Brown, it will be

remembered, had been active in the preliminary operations that led to the capture of Ticonderoga by Ethan Allen, May 10, 1775, and had induced Allen to undertake an unsuccessful attempt to capture Montreal. He was killed in a battle with Tories and Indians, October 19, 1780.

General Lincoln also sent five hundred men under Col. Thomas Johnson of Newbury, mostly Massachusetts militia, to threaten Mount Independence, in order to divert the attention of the enemy from Colonel Brown's attack, but if a favorable opportunity was afforded he was authorized to attack the works there. Colonel Woodbridge, at the same time, was sent with five hundred men to Skenesborough (Whitehall) to divert the attention of the enemy in that quarter, and to cover the retreat of Colonel Brown, if necessary.

About this time Thomas Chittenden wrote General Lincoln, from Bennington, that the Council of Safety had been informed that the British outposts had been called in from the region south of Lake George, to join Burgoyne at Saratoga, with artillery and provisions, with the exception of a few heavy cannon to be left on Five-Mile Island in Lake George.

The three parties were under the general direction of Gen. Jonathan Warner of the Massachusetts militia, who should not be confused with Col. Seth Warner of the Vermont troops. Colonel Brown's task was a difficult one. His route took him fourteen miles over a mountainous region. He crossed South Bay in the night, and proceeded to a point within a few miles of Lake George Landing. Colonel Herrick, with a few



of his Rangers, went forward to reconnoitre this landing.

To Capt. Ebenezer Allen, with his Rangers, was assigned perhaps the most difficult task of all, the capture of Mount Defiance. On the night of September 16, or very early in the morning of September 17, Allen started, and three hoots of an owl was the signal agreed upon to keep the party together in the darkness of the night. So excellent was the mimicry that those not in the secret did not suspect that the call of the owl was an imitation. Up the steep slopes, over the rocky crags, swarmed Captain Allen's men, until the summit was in sight, when a cliff was reached that could not be scaled in the ordinary manner. Directing one of his men to stoop, Allen stepped upon his back and surmounted the rock, the others following. It was found that only eight men could be secreted without exposing the party to the enemy stationed on the height, and armed with cannon. Giving utterance to "a hideous yell" Allen started, his men following, to use his own expression, "like a stream of hornets to the charge." A fire of musketry was opened and most of the garrison, not killed or wounded, fled down the trail to Ticonderoga. One gunner attempted to discharge his cannon, but Allen fired at him with a musket, exclaiming with an oath: "Kill the gunner," and the latter, frightened, fled with a match in his hand. At the foot of the slope the Mount Defiance garrison was captured by Major Wait. Captain Allen never had discharged a cannon, but he fired several shots before quitting the summit, and, according to Ira Allen, he killed one man and drove

a ship from her moorings. Before Allen descended the mountain, he proclaimed himself commandant of Mount Defiance.

At daybreak on Wednesday morning, September 17, Colonel Brown began his attack at the north end of Lake George after an all night march, capturing the landing and considerable shipping. Without loss of time a considerable portion of his force was ordered to attack the post at the mills, which was held by a larger force than that defeated at the landing, most of the garrison being made prisoners. Lieutenant Lord, who held the blockhouse, offered a stubborn resistance, but surrendered when several cannon taken from a captured sloop had been brought to bear on the position. Mount Hope and the old French lines were captured, and a summons to surrender was sent to General Powel, the British commandant at Ticonderoga, worded "in strong, peremptory terms." His reply was short, but to the point, saying: "The garrison committed to my charge I shall defend to the last." General Warner did not think it prudent to attack Mount Independence, where reinforcements had been received, and it was not considered wise to attempt the capture of Ticonderoga with the forces available.

Colonel Brown reported his losses as less than ten killed and wounded (three or four killed and five wounded). He had captured two hundred and ninety-three prisoners, including two Captains, eleven minor officers, one hundred and forty-three British and one hundred and nineteen Canadian soldiers and eighteen artificers, besides recapturing more than one hundred

American prisoners, taken in the battle of Hubbardton. He had also taken one hundred and fifty bateaux on Lake Champlain, and at Lake George Landing, fifty craft including seventeen gunboats and one armed sloop. Some ammunition and arms, including a few pieces of artillery, were captured, which were used against the enemy.

With the sloop and gunboats taken, Colonel Brown attempted to capture the British post on Diamond Island, in Lake George, held by Captain Aubrey and two companies of the Forty-seventh regiment, who guarded a large quantity of public property. The attack was delayed for two or three days on account of stormy weather, and this gave the enemy opportunity to fortify the post so thoroughly that the attempt to take it was abandoned after a brief engagement, the losses being small. Colonel Brown burned his boats and marched to Skenesborough, where he met General Warner and a part of the other troops engaged in the general movement, some of them having returned by way of Castleton. The Berkshire county militia, raised for twenty days, were discharged, leaving the Rangers raised "on the Grants" at Pawlet. Col. Seth Warner's regiment with "the militia of the Grants," were left at White Creek, N. Y.

The Council of Safety in session at Bennington thanked Colonel Herrick for his "spirited behavior in this affair," and particularly for his "late noble enterprise at Lake George Landing, Ticonderoga, and for destroying the enemy's water craft in general, to the great disadvantage of the enemy."

On the same day that the attacks were made in the vicinity of Ticonderoga, General Lincoln, with about seven hundred men, marched to Skenesborough, intending, he says, to move towards North River, but receiving information from General Gates that the British had abandoned certain posts in their rear, he changed his policy, and on the way back, near Pawlet, he received two expresses from General Gates, ordering him to proceed to Stillwater. He left Pawlet on Sunday, September 21, reaching Stillwater Monday night, his force of some twelve hundred or fourteen hundred troops arriving September 23.

According to General Lincoln's statement, the troops under his command "on the Grants" numbered about three thousand, including one small regiment of Continental troops, "the Rangers from the Grants and part of their militia," and the Massachusetts troops, some of whom were enlisted for three months, and others for only twenty days. Gen. Jacob Bayley, whom Lincoln called "an experienced and good officer," was left in command at Castleton, with fifteen hundred men to guard that region and attend to the forwarding of supplies, and on Sunday, September 21, he took about one hundred prisoners.

General Bayley, on September 21, writing of the victory at Ticonderoga, declared: "The field is now opened wide, the time is now come that we may entirely cut off General Burgoyne's whole army if we exert ourselves. \* \* \* I think it is the duty of every man to turn out with his horse & one month's provisions.



\* \* \* I must call on all friends to America to turn out and come to our assistance at Ticonderoga."

The next day, September 22, he wrote that the field of operations was too large for the force at his disposal, and he requested that all the militia above Charlestown, N. H., and eastward march to his assistance, with horses, bringing flour and beef to last them for one month, adding, "by which time I hope the whole of Genl. Burgoyne's army will be in our hands." He sent about one hundred prisoners to New Hampshire, and so short was his supply of food that he was obliged to request that provisions be sent out to meet the prisoners and their guards, about one hundred and fifty men in all "as far as one day's travel from hence, as we have none to spare."

Some Vermont troops assisted General Gates in his campaign on the Hudson. As early as August 29, at the request of General Lincoln, the Council of Safety voted "That three hundred and twenty-five men of the militia of this State should be raised for the defence of this and the United States of America"; and fifty shillings per month were granted in addition to the Continental pay, because "the price of all kinds of provisions and clothing are raised to exorbitant prices." On September 22, the Council ordered Capt. Jonas Galusha with fifty men from Col. Moses Robinson's regiment, to repair to General Gates' headquarters. The Vermont records show that Col. Peter Olcott's regiment was in the service of the Northern department and Capt. Frye Bayley's company in that regiment captured on the Hudson River fifteen boats loaded with supplies for Bur-

goyne's army. Colonel Warner's Continental regiment also joined General Gates' army.

The plans laid by Lord George Germaine, Secretary of State for the Colonies, provided that Burgoyne should advance as far as Albany. Orders were written directing Gen. William Howe, a brother of Lord Howe, killed near Lake George in the French and Indian War, and of Admiral Lord Howe, who succeeded to the title, to go up the Hudson from New York and join Burgoyne at that place. After they were written his lordship went to Kent on a visit, and upon his return he forgot to sign the orders, which were pigeon-holed until May 18, 1777. They did not reach Howe until August 16, when he was gone on an expedition to Chesapeake Bay, and it was then too late to attempt a junction of forces at Albany.

Schuyler was superseded as commander of the Northern American army by Gates, and General Lincoln was called to his aid. Burgoyne was soon hemmed in, his communications were cut, and his army was in imminent danger of starvation. His last dispatches were sent from Fort Edward during the first week in September.

Reidesel and Fraser favored a retreat toward Lake George and Ticonderoga, but it was too late to retreat. The army that had advanced up Lake Champlain so proudly in the early summer, with music and banners, was now compelled to fight for its life, was defeated in a series of battles, and was obliged to surrender on October 17.

George the Third had erred in his jubilant remark to his Queen regarding the victory on Lake Champlain. He had not "beaten all the Americans" when Ticonderoga was taken.

Major Wait took possession of Mount Independence but found that the British had sunk their boats, spiked or broken forty cannon, and burned barracks, houses, and bridges. The Americans did not attempt to reoccupy Ticonderoga, and the British continued to control the lake.

With Burgoyne's downfall, the British troops stationed on Lakes George and Champlain, with the exception of one or two small posts near the northern border, hastily retreated to Canada. Near the mouth of the Boquet River the rear guard was overtaken and attacked by Capt. Ebenezer Allen with fifty Rangers, who captured forty-nine men, a large amount of baggage and military stores, about one hundred horses and some cattle. Among Allen's prisoners was Dinah Mattis, a Negro slave, and her infant child. Allen gave her a written certificate of emancipation, which was recorded in the Town Clerk's office at Bennington, which reads as follows:

"Head Quarters Pollet

"28th of November, 1777

"To Whom it may Concern Know Ye Whereas Dinah Mattis, a negro woman with Nancey her Child of two months old was taken Prisoner on Lake Champlain, with the British Troops some where near Col. Gilliner's (Gilliland's) Patten the Twelfth day of Instant November by a Scout under my Command, and according to a

Resolve Past by the Honourable Continental Congress that all Prisses (prizes) belong to the Captivators thereof—therefore She and her Child became the just Property of the Captivators thereof—I being Conscihentious that it is not Right in the Sight of god to keep Slaves—I therefore obtaining leave of the Detachment under my Command to give her and her Child their freedom I do therefore give the said Dinah mattis and Nancy her Child there freedom to pass and Repass any where through the United States of America with her Behaving as becometh and to Trade and to Traffick for her Self and Child as tho' She was Born free without being Mollested by any Person or Persons.

“In witness whereunto I have set my hand or subscribed by name.

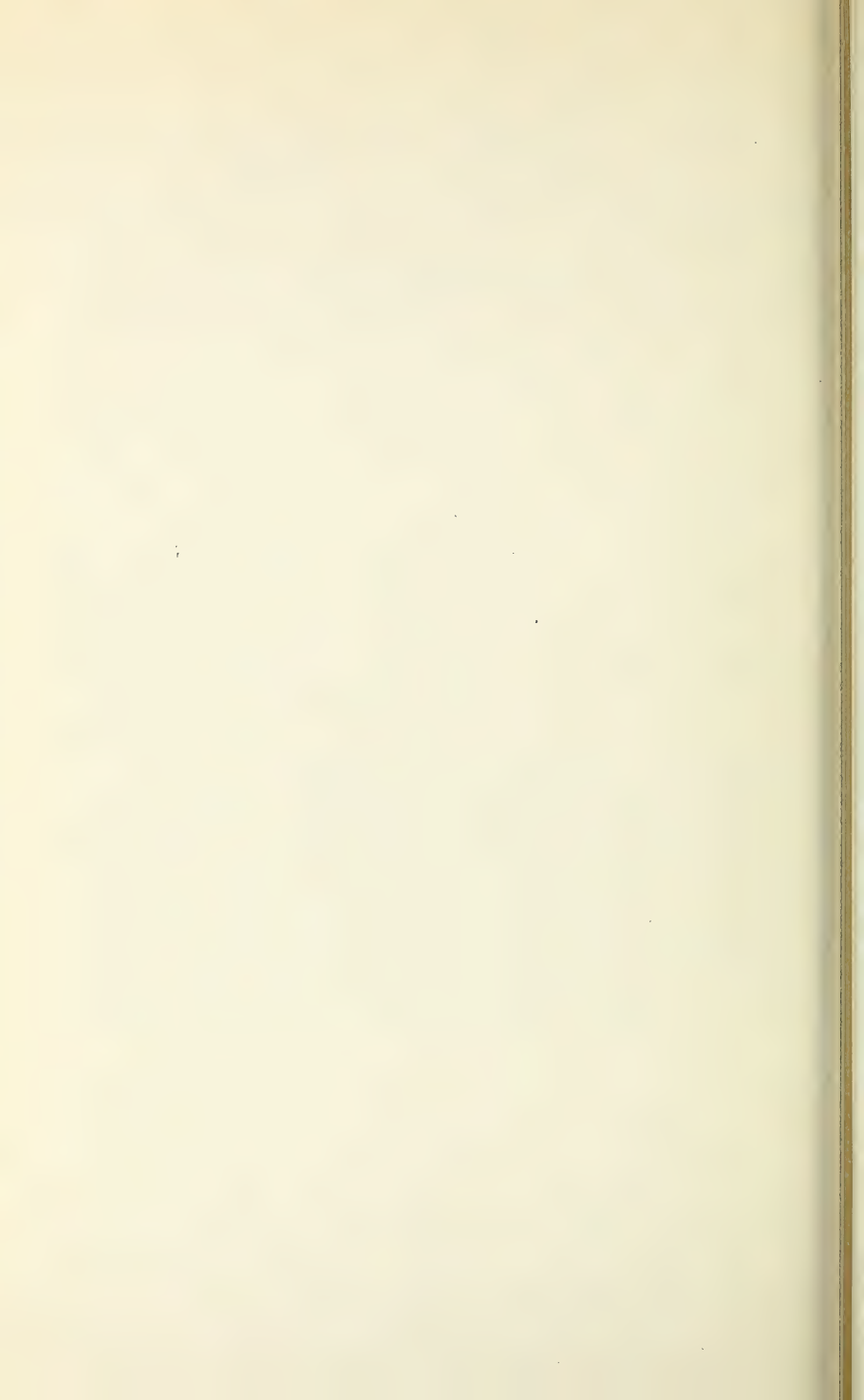
(Signed) EBENEZ'R ALLEN, CAPT.”

As an exercise in English the document hardly would be considered a notable success; but it stands, nevertheless, as a landmark in the progress of human freedom, for it contained a declaration against slavery at a time when involuntary servitude was everywhere permitted on the American Continent, the Vermont Constitution forbidding slavery not having gone into effect.



## CHAPTER XX

### EARLY CONVENTIONS



THE government of the region now known as Vermont in the years immediately following the establishment of its early settlements differed in important particulars from the form in effect during the pioneer period of other States of the American Union. Vermont never was a crown colony, nor was it ever granted as a separate governmental entity by any monarch or by any State, although there is some evidence to show that such a step was contemplated just before the outbreak of the American Revolution. The first English grants of townships within the present limits of the State were made by the Massachusetts Bay Colony in the Connecticut River valley, when its jurisdiction was supposed to extend over that region. Although a large part of Vermont's present area was granted by Governor Wentworth of New Hampshire during the four or five years following the close of the French and Indian War, very little authority was exercised for several years in the townships. With the declaration by the British Government that the colony of New York extended westward from Lake Champlain to the Connecticut River, the shadow of New Hampshire authority vanished. The attempt of New York, contrary to royal orders, to grant again lands already granted by Governor Wentworth, and the bitter controversy thus aroused, have been described in previous chapters.

The pioneers did not need much government. The local authority was vested in the proprietors of the several townships and most of the early meetings were held in the Connecticut or Massachusetts towns in which

some of the principal proprietors resided. In most instances several years elapsed between the granting of townships and the organization of town governments. In fact only a small number of Vermont towns, about forty, possessed regularly organized municipal governments prior to the War for Independence.

For a few years New York exercised a limited authority in a portion of the region now known as Vermont. In the inhabited townships east of the Green Mountains the machinery of government was set up and operated to some extent until the outbreak of the Revolutionary War, but the land controversy prevented the exercise of more than a very limited Colonial authority—so limited as to be almost negligible—west of the Green Mountains.

The settlers on the Wentworth grants, as already shown, defended their rights with great boldness and vigor against the encroachments of New York. As a part of the policy of defence, local committees of safety were organized and conventions were called for the protection of the property of settlers. It was an easy matter to continue or to elaborate Committees of Safety and conventions summoned for military purposes. Thus something corresponding to a rudimentary form of government had been set up, not by design, but as a matter of necessity, in a region over which no American colony exercised any considerable authority. The situation was a novel one and with the growth of population this improvised government could not continue long. The New Hampshire Grants, so-called, on the verge of civil war with New York over land titles, suddenly



exchanged one quarrel for another by uniting informally with the American Colonies in resisting the authority of Great Britain, thus postponing temporarily the day of settlement with the powerful neighbor to the westward.

Late in the year 1775 several warrants or notifications were sent "up the country," calling a general meeting of the people of the New Hampshire Grants, to be held at the tavern of Cephas Kent, in Dorset, on the first Tuesday of January, 1776. As it was considered necessary that Col. Seth Warner with others should attend, and military service made this impossible on the date set, it was decided to postpone the meeting. Another warrant was issued December 20, 1775, signed by Moses Robinson, Samuel Robinson, Seth Warner, Jeremiah Clark, Martin Powell, Daniel Smith and Jonathan Willard, as a committee, setting forth the date and purpose of the convention as follows:—

"This is therefore to warn the inhabitants on the said New Hampshire Grants west of the Range of Green Mountains to meet together by their Delegates from each Town at the house of Mr. Cephas Kent in said Dorset on the sixteenth day of January next at nine o'clock in the morning, then and there to act on the Following Articles (Viz.)

"1st to Choose a Moderator or Chairman for said Meeting.

"2nd to Choose a Clark (clerk) for said Meeting.

"3rd to see if the Law of New York shall have free Circulation where it doth not infringe on our properties,

or Title of Lands, or Riots (so-called) in Defence of the same.

"4th to see if the said Convention will Come into some proper Regulations or take some Method to suppress all Schismattick Mobbs that have or may arise on said Grants.

"5th to see if they will Choose an agent, or agents, to send to the Continental Congress.

"6th to see whether the Convention will consent to associate with New Yorkers, or by themselves, in the Cause of America."

The Inn of Cephas Kent at which this convention was called was destined to become nearly, if not quite, as famous a meeting place as the Catamount Tavern in Bennington. Cephas Kent not only was a popular inn keeper, but was also a deacon in the local church and an active patriot. Dorset was a central point where delegates might assemble from the towns located in what are now Rutland and Bennington counties, in which most of the settlers west of the Green Mountains then resided. It was on the route from Rutland, Crown Point, Ticonderoga and Skenesborough to Bennington and Albany.

When the representatives of the towns in the New Hampshire Grants west of the Green Mountains met at the inn of Mr. Kent in Dorset, January 16, 1776, they organized by electing Capt. Joseph Woodward of Castleton, chairman; Dr. Jonas Fay of Bennington, clerk; Col. Moses Robinson, Samuel McCoon (McCune) and Oliver Evits (Everts), assistant clerks. The convention then elected a committee consisting of Thomas

Ashley, William Marsh, Heman Allen, Abel Moulton, Moses Robinson, John McLane, Gamaliel Painter, James Hurd (Hard) and Joseph Bowker to examine and report their opinion to the convention concerning the third article of the warrant, which related to the adoption of such laws of New York as did not deal with matters in controversy. Adjournment then was taken until three o'clock in the afternoon.

Upon reassembling it was voted to add four persons to the committee on the third article. It was decided to reconsider the last two votes (probably the last two names on the committee); to lay on the table a communication relative to Captain Bowker's character; and that two persons from each town represented be allowed to vote in the meeting. Adjournment was taken until eight o'clock the next morning.

Evidently the charges against Joseph Bowker of Rutland could not have been serious as he held later many positions of responsibility in town and State.

On the morning of January 17, Capt. Heman Allen, Capt. Joseph Bowker, Col. Moses Robinson, John McLane and Col. Timothy Brownson were appointed to report the number of members that should be apportioned to each town, Captain Bowker acting as chairman. The committee reported as follows: Pownal, four; Bennington, seven; Shaftsbury, four; Arlington, three; Sunderland, two; Manchester, four; Dorset, two; Danby, three; Tinmouth, two; Clarendon, four; Rutland, three; Pittsford, two; Rupert, two; Wells, one; Pawlet, one; Poultney, two; Castleton, two; Neshobe (Brandon), one. Each other inhabited town

was to have one or more members, according to population. This report was accepted without opposition.

Lieut. James Breakenridge, Capt. Heman Allen and Dr. Jonas Fay were appointed a committee to present to the Continental Congress a remonstrance and petition from the inhabitants of the New Hampshire Grants. The committee appointed, with Col. William Marsh and Thomas Rowley, were designated a committee to prepare the remonstrance and petition. The agents to Congress were allowed "their reasonable costs."

Committees from the northern and southern portions of the district were appointed with power to warn general meetings of the committees on the Grants when intelligence received should warrant such action. The northern committee consisted of Col. John Strong, Zadock Everest, and Asahel Ward of Addison; and the southern committee of Simeon Hathaway, Elijah Dewey, and James Breakenridge of Bennington. The several committees of correspondence were instructed to continue their duties as usual. This item of business indicates that another convention, possibly other conventions, had been held concerning which no record has been preserved. It has been suggested that a previous convention may have appointed the committee which called this convention at the inn of Cephas Kent.

Money to the amount of £1, 2s., 5 d was received from Poultney, Pittsford and Rupert, toward defraying the expenses of the delegates appointed to attend Congress.

Capt. Heman Allen, eldest brother of Ethan and Ira Allen, was delegated to present the remonstrance and



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petition of the people of the New Hampshire Grants to the Continental Congress, which duty he performed May 8, 1776.

In the opening portion of the document it was stated: "That your honors' petitioners being fully sensible and deeply affected with the very alarming situation in which the united colonies are involved, by means of a designing ministry, who have flagrantly used, and are still using their utmost efforts to bring the inhabitants of this very extensive Continent of America into a base and servile subjection to arbitrary power contrary to all the most sacred ties and obligations by covenant and the well known constitution by which the British Empire ought to be governed; your petitioners (not to be prolix, or waste time) when the whole Continent are in so disagreeable situation, would however beg leave to demonstrate in as short terms as possible the very peculiar situation in which your petitioners have for a series of years been exercised, and are still struggling."

The controversy with New York was rehearsed and attention was called to the services rendered by the people of the Grants since the outbreak of the war.

The petition closed by declaring: "While we your petitioners are thus earnestly engaged we beg leave to say that we are entirely willing to do all in our power in the general cause under the Continental Congress, and have been ever since the taking of Ticonderoga, etc., in which your petitioners were principally active, under the command of Col. Ethan Allen, but are not willing to put ourselves under the honorable, the provincial Congress of New York in such manner as might in future

be detrimental to our private property; as the oath to be administered to those who are, or shall be entrusted with commissions from said Congress, and the association agreed upon by the same authority, together with some particular restrictions and orders for regulating the militia of said province (if conformed to by the inhabitants of said New Hampshire Grants) will (as we apprehend) be detrimental to your petitioners in the determination of the dispute now subsisting between your said petitioners and certain claimants under N. York. And that your petitioners' ardent desires of exerting themselves in the present struggle for freedom may not be restrained, and that we might engage in the Glorious Cause without fear of giving our opponents any advantage in the said land dispute, which we would wish to have lie dormant until a general restoration of tranquility shall allow as the opportunity for an equitable decision of the same.

"Another reason that much hinders us from joining New York hand in hand in the General Cause is they will not own us in our property, but on the contrary, the judges of their Supreme Court have expressly declared the charters, conveyance, etc., of your petitioners' lands to be null and void.

"Therefore we your honors' humble petitioners most earnestly pray your honors to take our case into your wise consideration and order that for the future your petitioners shall do duty in the Continental service (if required) as inhabitants of said New Hampshire Grants, and not as inhabitants of the province of New York, or subject to the limitations, restrictions, or regu-

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lations of the militia of said province, and that commissions as your honors shall judge meet be granted accordingly, and as in duty bound your honors' petitioners shall ever pray."

It will be noted that this petition did not go so far as to call for the recognition of a new State, but asked merely that the region known as the New Hampshire Grants be left alone until the end of the war, that the land dispute might be judged upon its merits.

The petition having been read in Congress, it was referred to a committee of five Southern members, Messrs. Rodney of Delaware, Harrison of Virginia, Hewes of North Carolina, Lynch of South Carolina and Alexander of Maryland, probably for the reason that members from those colonies would be more likely to be unprejudiced than Representatives living nearer the parties concerned. Mr. Allen was granted a hearing by the committee and on May 30, 1776, the following resolution was reported:

"Resolved, That it is the opinion of this committee, that it be recommended to the petitioners for the present to submit to the government of New York, and contribute their assistance with their countrymen in the contest between Great Britain and the United Colonies; but that such submission ought not to prejudice the rights of them or others to the lands in controversy, or any part of them; nor be construed to affirm or admit the jurisdiction of New York in and over the country; and when the present troubles are at end, the final determination of their right may be mutually referred to proper judges."

This was not the kind of report desired, and before the resolution was put upon its passage Mr. Allen asked, and was given leave to withdraw the petition, for the reason, according to the official journal "that he had left at home some papers and vouchers necessary to support the allegations therein contained." It requires no great sagacity to assume that Allen made this excuse in order to prevent the possibility of the adoption of the resolution.

A warrant was issued on June 24, 1776, signed by three residents of Bennington, James Breakenridge, Simeon Hathaway and Elijah Dewey, "to warn the several inhabitants of the New Hampshire Grants on the west side and to desire those on the east side" to choose delegates to a general convention to be held, like its predecessor, at the inn of Cephas Kent, in Dorset, Wednesday morning, July 24, at eight o'clock. The principal business of the convention was to hear the report of Capt. Heman Allen, delegate to the Continental Congress; "to know the minds of the Convention relative to their associating with the province of New Hampshire"; if such an association should not be desired, "whether said Convention will agree to an association (not repugnant to that of the Continental Congress) and subscribe thereto, to do duty in conjunction with the Continental troops (only) as members of the district of land which they inhabit"; to see if the Convention would recommend to the field officers nominated that their men "be forthwith furnished with suitable arms, ammunition and accoutrements," in compliance with a resolution of the Continental Congress; to see



if the Convention would make provision for Capt. Heman Allen's expenses in attendance upon the Continental Congress; "and to transact any other (business) that shall be thought necessary in the power of sd Convention for the safety of the liberties of the colonies in general and the New Hampshire Grants in particular."

The membership of the convention, unlike that of the first held at Dorset, is given in the official record, and was as follows: Pownal, Capt. Samuel Wright; Bennington, Simeon Hathaway, Jonas Fay, John Burnam, Jr.; Shaftsbury, Maj. Jeremiah Clark, John Burnam; Sunderland, Joseph Bradley; Manchester, Col. William Marsh, Lieut. Martin Powell, Gideon Ormsby; Dorset, John Manley, Abraham Underhill; Rupert, Reuben Harmon, Amos Curtis; Pawlet, Capt. William Fitch, Maj. Roger Rose; Wells, Daniel Culver, Ogden Mallory; Poultney, Nehemiah Howe, William Ward; Castleton, Ephraim Buel, Jesse Belknap; Hubbardton, Benjamin Hickok; Sudbury, John Gage; Bridport, Samuel Benton; Addison, Col. John Strong; Cornwall, James Bentley; Burlington, Lemuel Bradley; Stamford, Thomas Morgan; Williston, Col. Thomas Chittenden; Jericho, Brown Chamberlain; Colchester, Ira Allen; Hinesburgh and Monkton, Isaac Lawrence; Neshobe (Brandon), John Mott; Pittsford, Aaron Powers, Jonathan Rowley, Jonathan Fassett; Rutland, Asa Johnson, Joseph Bowker; Clarendon, Thomas Brayton; Wallingford, Matthew Lyon, Abraham Jackson; Tinmouth, Ebenezer Allen, Stephen Royce; Danby, Capt. Micah Veal (Vail), William Gage; Townshend, Capt. Samuel

Fletcher, Josiah Fish; Middleborough (probably Middlebury), Capt. Heman Allen.

Joseph Bowker of Rutland was elected chairman and Dr. Jonas Fay of Bennington, clerk.

Heman Allen then related how the remonstrance and petition had been presented to Hon. John Hancock, president of Congress, and was read by the secretary. Although the New York delegate tried to oppose the petition, it was entered on file and was ordered to lie on the table for further consideration. Acting upon the advice of "several gentlemen" he made a motion to withdraw his petition in order "that the delegates from New York should not have it in their power to bring the matter to a final decision at a time when the Convention in the Grants had no proper delegate in the House." The motion, therefore, was entered on the minutes.

Captain Allen further related that "he had many private conferences with sundry members of Congress and other gentlemen of distinction relating to the particular circumstances and situation of the New Hampshire Grants, who did severally recommend that the inhabitants of said Grants exert themselves to their utmost abilities to repel by force the hostile invasion of the British fleets and armies, and that said inhabitants do not by any way or means whatsoever connect or associate with the honorable Provincial Congress of New York, or any authority derived from, by or under them directly or indirectly, but that the said inhabitants do forthwith consult suitable measures to associate and unite the whole of the inhabitants of said Grants together."

The Convention, being sensible that its business required "the most serious deliberation," adopted rules governing its proceedings. After postponing action on several articles of the warrant, adjournment was taken to the early hour of seven o'clock the following morning.

Upon reassembling on the morning of July 25, the article relating to associating with the province of New Hampshire—in reality a union with that province—after discussion was dismissed.

The first step toward the formation of an independent State was taken when, with only one dissenting voice, it was voted "that application be made to the inhabitants of said Grants to form the same into a separate district." It was voted to recommend to the field officers of the militia that their men be furnished with arms, ammunition and accoutrements according to the plan of the Continental Congress.

Capt. Heman Allen, Col. William Marsh, Dr. Jonas Fay, acting with Capt. Samuel Fletcher and Joshua Fish, were appointed a committee to distribute the proceedings of the Convention in that part of the New Hampshire Grants east of the Green Mountains and to consult with the people of that region relative to associating themselves "with this body." Dr. Jonas Fay, Col. Thomas Chittenden and Lieut. Ira Allen were named as a committee to propose instructions for the committee of five previously mentioned. Dr. Jonas Fay and Col. William Marsh were appointed a committee to prepare a petition to General Schuyler, commander of the Northern department of the Continental Army, "requesting his assistance in guarding the frontier to the

northward" on the New Hampshire Grants, and Col. Seth Warner and Col. Thomas Chittenden were designated to present the aforesaid petition. Adjournment then was taken for one hour.

The following "Association" was considered and adopted:

"This Convention, being fully sensible that it is the will and pleasure of the honorable the Continental Congress, that every honest friend to the liberties of America in the several United States thereof, should subscribe an Association, binding themselves as members of some body or community to stand in the defence of those liberties;

"And, Whereas, it has been the usual custom for individuals to associate with the colony or State which they are reputed to be members of, yet, nevertheless, the long and spirited conflict which has for many years subsisted between the Colony, or State of New York and the inhabitants of that district of land commonly called and known by the name of the New Hampshire Grants, relative to the title of land on said district, renders it inconvenient in many respects to associate with that Province or State, which has hitherto been the sole reason of our not subscribing an Association before this.

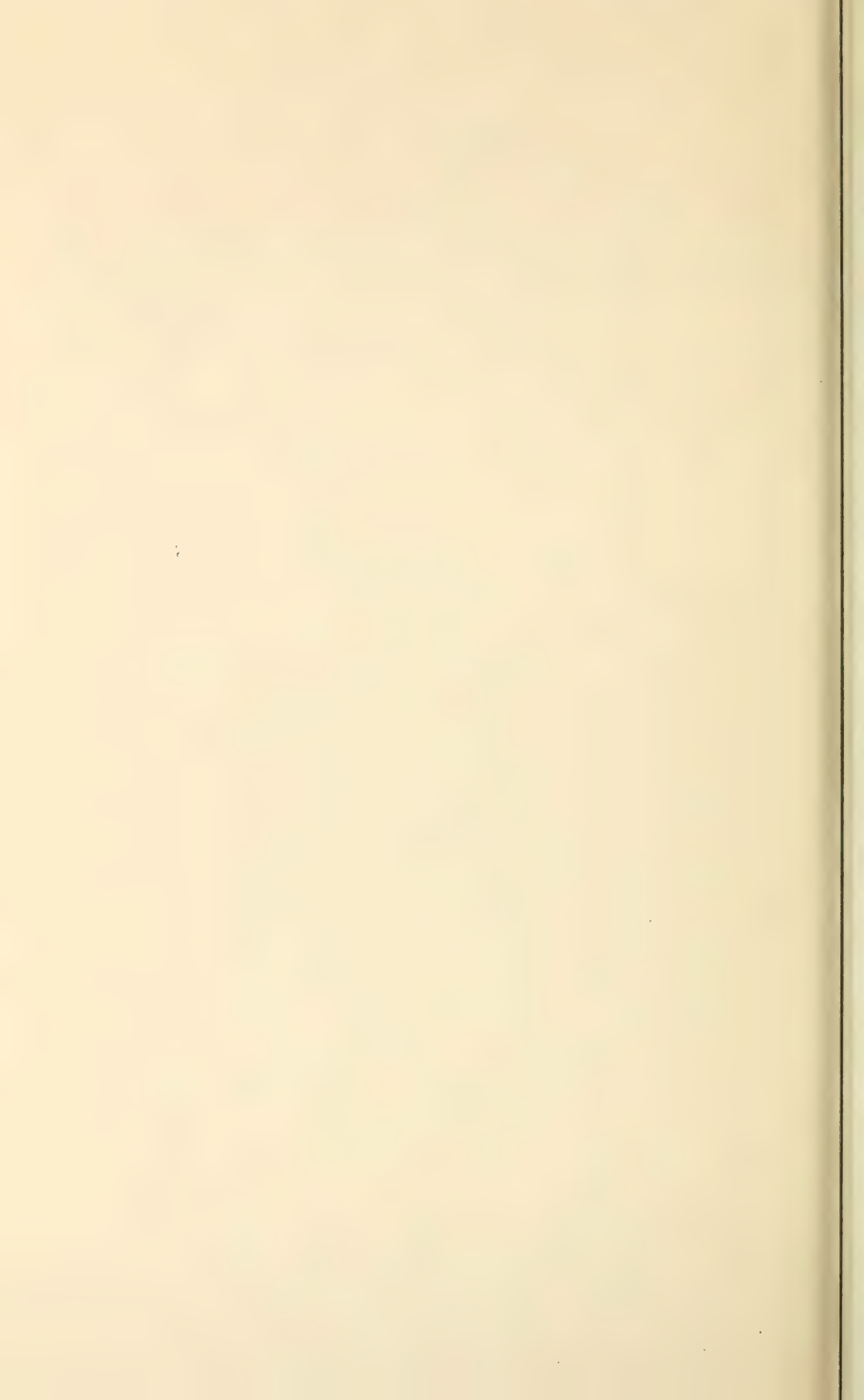
"The better, therefore, to convince the public of our readiness to join in the common defence of the aforesaid liberties, we do publish and subscribe the following Association, viz.

"We the subscribers, inhabitants of the Districk of Land, commonly called and known by the name of the





Early Map Showing Route of Bayley-Hazen Military Road



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New Hampshire Grants, do voluntarily and solemnly engage under all the ties held sacred amongst mankind, at the risque of our lives and fortunes to defend by arms the United American States against the hostile attempts of the British fleets and armies, until the present unhappy controversy between the two countries shall be settled."

The above Association was signed by all the delegates with the single exception of Thomas Braton (Brayton) of Clarendon. Only three weeks before this date the Declaration of Independence had been adopted by the Continental Congress, and one week earlier General St. Clair had caused the document to be read to the American army at Ticonderoga. While it is probable that news of the momentous step taken at Philadelphia had reached Dorset in advance of the convening of this body, time for its consideration had been brief, if, indeed, the full text of the Declaration was known to the delegates.

The Convention recommended to the friends of the liberties of the United States of America among the inhabitants of the New Hampshire Grants that they subscribe to the Association and return the same to Jonas Fay, the clerk, as soon as possible. It was resolved unanimously that any of the people of the New Hampshire Grants who should subscribe to any Association other than the one adopted by the Convention should "be deemed enemies to the common cause of the New Hampshire Grants."

Dr. Jonas Fay, Col. Timothy Brownson, Col. William Marsh, Capt. Joseph Bowker, Capt. Joseph Wood-

ward, Capt. Micah Vail, Col. Thomas Chittenden, Maj. Stephen Royce and Capt. Abraham Underhill, were chosen as a Committee of Appeals, who were "to hear and determine such matters as may be properly exhibited to them (in writing) by any of the inhabitants of the New Hampshire Grants relative to the cause of American liberty, by way of proper appeal from the judgment of either of the Committees of Safety on said Grants, any five of which committee to be a quorum."

The Convention then adjourned to meet at the same place, Wednesday, September 25, at eight o'clock in the morning.

At this two days' convention, held at Cephas Kent's inn in Dorset, in which forty-nine delegates representing thirty-two towns participated, the foundations were laid for an independent commonwealth and a State of the American Union. In solemn and impressive language the convention pledged support to the new American Nation; rejected a plan to become a part of New Hampshire; and refused to heed the advice of the Continental Congress to submit temporarily, at least, to the authority of New York.

It is not to be supposed that such an important step was taken hastily or blindly. Little material is available to show the state of public opinion at this time, but, fortunately, one statement is in existence, written by Ira Allen, a member of the Dorset Convention of July 24-25, 1776, and the following description of affairs is quoted from his "History of Vermont":

"Several conferences were held among the leaders of the people concerning the establishment of civil govern-



ment; some were for returning and joining with New Hampshire, supposing that would secure the titles of their lands, notwithstanding the subsequent and illegal grants of the Governor of New York; others were disposed to form a new State, including all the district of the New Hampshire Grants west of the Connecticut River, while some were for joining with New York during the war; this idea too much affected the property of the settlers. For the time being, as liberty was the reigning passion, they cordially united in self-defence and in the support of Congress. \* \* \*

“In the beginning of the year 1776, four of the leading men conferred on measures to be recommended to the people for the establishment of a civil government, which appeared necessary effectually to carry on the war, raise men and money, and to secure the titles of the lands against the latent intentions of the Governor of New York. These men differed in opinion about a plan, though all were convinced that their and the country’s interest required a connection with New Hampshire, or an establishment of a new government; no one of them dreamed of ever associating with New York, whose late persecuting conduct and system of government rendered that colony the most detestable of any on earth.

“The arguments in favor of a new government were, they did not like any connection with a colony, which, by act of a royal Governor, had too easily consented to part with territory, contrary to the interest and wishes of the people, and who might hereafter expose themselves to the evil intentions of the colony of New York. That by such a connection they should lose all the glory

and credit they had gained in their exertions against the Governor and Council of New York. That a new government would perpetuate the name of the Green Mountain Boys and the honor of their leaders. That a new government would infallibly establish the title of their lands under the New Hampshire Grants; and that the unappropriated lands might be disposed of to defray the expenses of government and the war. That as a separate government, in the course of events, they might find ways and means to retaliate on the monopolists of New York. That the active and offensive part taken at an early period of the war, in taking Ticonderoga, Crown Point and St. Johns, would make them consequential in the eyes of Congress as friends of the American revolution. That, notwithstanding, the influence of New York might for a time prevent the new government from a representation in Congress, yet it might not eventually hurt the interest of the people. That the district of the New Hampshire Grants, on revolutionary principles, was the oldest in America. That the people had governed themselves by committees of safety and conventions, against the oppressions and tyranny of New York, eight years before the colonists of America took similar measures against Great Britain; of course the people ought to preserve and brave every danger that might be in the womb of futurity. The result of those deliberations was to establish a new government; accordingly great care was taken to prepare the minds of the people for such an event."

Allen does not mention the names of the "four leading men" who laid plans for the formation of a State,

but it is safe to assume in the light of subsequent events that he was one of them, and not the least influential of the four. Probably Thomas Chittenden was another of the quartette. The motives which actuated the leaders in planning the formation of a new government are given with greater frankness than usually is discovered in descriptions of the founding of a State. Probably if the whole truth were told many other leaders have been animated by motives just as mixed and quite as human as those which moved Ira Allen and his colleagues.

The convention which met at Cephas Kent's inn at Dorset, September 25, 1776, has been called an adjourned meeting, but some changes had been made in membership and several towns east of the Green Mountains were represented on this occasion. Captain Bowker again presided and Doctor Fay officiated as secretary. Thirty-five towns were represented by fifty-eight delegates, as follows: Pownal, Capt. Samuel Wright, Dr. Obadiah Dunham; Bennington, Simeon Hathaway, Dr. Jonas Fay, Capt. John Burnam, Jr., Nathan Clark, Maj. Samuel Safford, Col. Moses Robinson; Shaftsbury, Maj. Jeremiah Clark, John Burnam; Sunderland, Lieut. Joseph Bradley, Col. Timothy Brownson; Manchester, Col. William Marsh, Lieut. Martin Powell, Lieut. Gideon Ormsby; Dorset, John Manley, Abraham Underhill; Rupert, Reuben Harmon, Amos Curtis; Pawlet, Capt. William Fitch, Maj. Roger Rose; Wells, Zaccheus Mallory; Poultney, Nehemiah Howe, William Ward; Castleton, Capt. Joseph Woodward; Bridport, Samuel Benton; Addison, David Val-

lance; Stamford, Thomas Morgan; Williston, Col. Thomas Chittenden; Colchester, Capt. Ira Allen; Middlebury, Gamaliel Painter; Burlington, Lemuel Bradley; Neshobe (Brandon), Capt. Timothy Barker, Thomas Tuttle; Rutland, Capt. Joseph Bowker, Col. James Mead; Wallingford, Abraham Ives; Tinmouth, Capt. Ebenezer Allen, Maj. Thomas Rice; Danby, Capt. Micah Veal (Vail), William Gage; Panton, John Gale; Bromley (Peru), Capt. William Utley. Col. Seth Warner and Capt. Heman Allen were present.

East Side towns were represented as follows: Marlboro, Capt. Francis Whitmore; Guilford, Col. Benjamin Carpenter, Maj. John Shepardson; Windsor, Ebenezer Hoisington; Kent (Londonderry), Edward Aiken, Col. James Rogers; Rockingham, Dr. Reuben Jones; Dummerston, Joseph Hildreth, Lieut. Leonard Spaulding; Westminster, Joshua Webb, Nathaniel Robinson; Wilmington or Draper, by a letter; Cumberland, by a letter; Halifax, Col. Benjamin Carpenter.

The records of the January Convention were read for the benefit of the East Side delegates. Adjournment was taken until the next morning, Thursday, September 26.

On Thursday morning the convention took up the article providing that the district known as the New Hampshire Grants be formed into a separate district, adopted at the previous session of the convention, and it was passed again, this time without a dissenting vote. Col. William Marsh, Dr. Jonas Fay, Dr. Reuben Jones, Capt. Ira Allen, Col. Thomas Chittenden, Col. Benjamin Carpenter and Col. James Rogers were appointed a com-



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mittee "to form a plan for the future proceedings and report to this Convention as soon as may be."

At the afternoon session a sub-committee, of which Col. Benjamin Carpenter of Halifax was chairman, reported that in its opinion the members of the Convention, for themselves and their constituents, ought to enter into a covenant or compact to regulate the militia, and to furnish troops for the defence of the liberties of America, according to their ability; to return the number of inhabitants of the district to the Continental Congress, "and at all times be governed by their councils"; that a number of men be elected to wait on the Continental Congress for the presentation of petitions; to make provision for notifying all the inhabitants on each side of the Green Mountains that they might have the opportunity of joining in the formation of a separate State; that any New York laws temporarily accepted from New York State should not be held binding in the future; that measures be adopted "for the better securing of the 'Tories'" in the district; that the militia officers, after executing the orders received from the State of New York, should be under the direction of the Convention. At its afternoon session the Convention voted to accept the report of the sub-committee.

It was also voted that the members of the Convention should make and subscribe to a covenant or compact "for the security of their common liberties and properties in conjunction with the free and independent States of America." Dr. Jonas Fay, Col. Moses Robinson, Col. William Marsh, Ebenezer Hoisington, Dr. Reuben Jones, Col. Thomas Chittenden and Dr. Obadiah

Dunham were appointed a committee to draw up such a compact and report to the Convention.

When the session opened Friday morning, September 27, at eight o'clock—an hour which indicates the early rising proclivities of the members—the committee reported the covenant or compact or association as the report was variously called. The text of this, one of the most important documents connected with Vermont's Declaration of Independence, follows:

“Whereas the Convention have for a series of years had under their particular considerations the disengenuous conduct of the former colony (now the State) of New York toward the inhabitants of that district of Land commonly called and known by the name of the New Hampshire Grants, and the several illegal, unjustifiable and unreasonable Measures they have taken to Deprive by fraud, violence and oppression those inhabitants of their property and in particular their Landed interest; and as this Convention have reason to expect a Continuance of the same kind of disingenuity unless some measures effectually be taken to form the sd District into a separate and Distinct one from New York and whereas it at present appears to this Convention that for the foregoing Reasons, together with the distance of road which lies between this district and New York that it will be very inconvenient for those inhabitants to associate or Connect with them for the time being directly or indirectly.

“Therefore this Convention being fully convinced that it is necessary that every individual in the United States of America should exert themselves to their

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utmost Abilities in the defence of the Liberties thereof and that this Convention may the better satisfy the Publick of their punctual attachment to the said common Cause at present as well as heretofore we do make and subscribe the following Covenant (viz.)

“We the subscribers, inhabitants of that district of Lands commonly called and known by the name of the New Hampshire Grants, being legally Delegated and Authorized to transact the public and political affairs of the aforesaid District of Lands, for ourselves and Constituents do solemnly Covenant and engage that for the time being we will strictly and Religiously Adhere to the several Resolves of this or a future Convention Constituted in sd District by the free voice of the Friends to American Liberties that shall not be repugnant to the Resolves of the Honorable Continental Congress Relative to the General Cause of America.”

There appears in Vol. 4 of the Documentary History of New York a “Declaration of a Convention Held at Dorset, September 25, 1775,” which is the same declaration as that reported at the Dorset Convention which met September 25, 1776, with the omission of the word covenant near the end of the second paragraph, although the spelling is more incorrect. Three names are signed which do not appear in the list of the membership of the Dorset Convention of 1776 and some names that appear in that list do not appear among those subscribed to the so-called 1775 Declaration. Some persons have believed that a convention was held, as indicated in the Documentary History, which drew up a covenant similar to that which appears in the pro-

ceedings of the convention held a year later. There are, however, several reasons which indicate that the date given in the Documentary History was incorrect and points to an error of one figure making the year 1775 when it should have been 1776. Reference is made to the United States of America and to the State of New York. No such Nation or State was in existence on September 25, 1775. A convention was held at Dorset, June 16, 1776, and among the articles in the warrant were two which related to the advisability of giving the laws of New York free circulation in the New Hampshire Grants where property rights were not involved and to see whether the people of the Grants should "associate with New York or by themselves in the cause of America." Such questions hardly would have been raised early in 1776 if the attitude toward New York assumed in the Covenant quoted had been taken in the autumn of 1775. It is not likely that a committee to which was delegated the task of drawing up a Covenant would have reported a document previously drafted and signed. Such a committee would have been a superfluity. The internal evidence in the document itself, the similarity of month and day (September 25) and the text of the Covenant indicate that the instrument was not written in 1775.

After the report of the committee was made on September 27, 1776, Col. Jacob Bayley, Col. Jacob Kent of Newbury and Capt. Abner Seeley were appointed a committee to exhibit the proceedings of the meeting to the people of Gloucester county; to request that an "association" left at the county convention held at Thet-



ford, August 13, 1776, to nominate officers for a New York battalion, be signed; and that delegates be sent to participate in the new session of the Convention. It was also recommended to the chairmen of the several town committees on the west side of the Green Mountains "faithfully to see to it that the Association made at the last sitting of this Convention be forthwith signed by every individual male inhabitant of each town from sixteen years old and upward." Copies of the Association signed were to be returned to Dr. Jonas Fay, clerk of the Convention, before its next meeting; and if any persons refused to sign their names the reasons for such refusals were to be taken.

At the afternoon session Col. William Marsh and Capt. Ira Allen were appointed a committee to go into Cumberland and Gloucester counties to assist in carrying the proceedings of the Convention, in securing signatures to the Association or Covenant formulated, and in returning the same.

Dr. Jonas Fay. Dr. Reuben Jones and Col. William Marsh were appointed a committee to draw up a remonstrance or petition to send to the Continental Congress. The report made by Colonel Marsh, the chairman, was to the effect that such remonstrance against the authority of New York, which evidently included a petition for admission as a separate State, be based upon the attempts of New York to take possession of the lands held by the settlers in the New Hampshire Grants, and the distance of the people "from the metropolis of any State." The report of this committee was adopted. The same committee was appointed to draw a petition,

and Nathan Clark, Col. Seth Warner and Capt. Heman Allen were appointed a committee to examine the same.

Attention was given to the transaction of business relative to the prosecution of the war. Simeon Hathaway, Dr. Jonas Fay and Nathan Clark of Bennington, Lieut. Joseph Bradley of Sunderland, Lieut. Martin Powell of Manchester, Cephas Kent of Dorset, Capt. Joseph Bowker of Rutland, Capt. Joseph Woodward of Castleton and Nehemiah Howe of Poultney, all members of the convention, were appointed a Committee of War. This committee was given power to issue warrants to field officers of the militia and to call out the troops when the exigencies of the occasion should require such action. Colonies on the west side of the mountain range were directed to muster their companies, to make a record of the men on duty and at home, and of their equipment.

The town committees of safety were given the same authority that such committees possessed "in any of the free states of America." It was voted to build a jail at Manchester "for securing Tories" with Lieut. Martin Powell as jail keeper. A committee was appointed to impose fines on all delinquents in the militia, and the schedule of fines recommended was adopted.

The convention met Saturday morning, September 28, for its last session. The examination of the petition to the Continental Congress was deferred until the next meeting; and Dr. Jonas Fay and Col. Thomas Chittenden were appointed two of four delegates to take such petition to Philadelphia. A committee was chosen, consisting of Col. Seth Warner, Capt. Heman Allen,

Capt. Gideon Brownson, Ebenezer Hoisington, Capt. Abner Seeley and Dr. Jonas Fay, to prepare a message to send to New York asking if there would be any objection to setting up a separate State. No person was authorized to act on town committees of safety who refused to sign the Association reported to the Convention. Although it was conceded that most of the inhabitants of the town of Arlington were Tories, the "Friends of Liberty" were ordered to warn a meeting, choose a committee of safety, and conduct business after the manner of other committees; and if opposition arose, to call on neighboring towns for assistance. Adjournment was taken to Wednesday, October 30, at ten o'clock in the forenoon, at the Court House at Westminster.

The Convention which assembled at the Westminster Court House, October 30, in the building made famous by the massacre of the previous year, was a small assemblage, only seventeen persons being present as members. They were Nathan Clark of Bennington, Col. William Marsh of Manchester, Capt. William Fitch of Pawlet, Capt. Joseph Bowker of Rutland, Capt. Ira Allen of Colchester, Capt. Francis Whitmore of Marlboro, Ebenezer Hoisington of Windsor, Edward Akins (Aiken) of Kent (Londonderry), Dr. Reuben Jones of Rockingham, Lieut. Leonard Spaulding and Joseph Hildreth of Dummerston, Joshua Webb and Nathaniel Robinson of Westminster, Capt. William Utley of Bromley (Peru), Capt. Samuel Fletcher of Townshend, Dennis Lockland of Putney and Col. Thomas Chandler of Chester. Ira Allen was elected clerk, and Joseph Bowker again presided.

After appointing Messrs. Hoisington, Webb, Allen, Fitch and Jones a committee to draw a plan for further proceedings, adjournment was taken until eight o'clock the following morning. No business of importance was transacted on Thursday morning and adjournment was taken until Friday morning, at which time the committee reported that owing to the calling out of the militia for service at Ticonderoga and on the northern frontier and the unsettled condition of affairs brought about by the British activity on Lake Champlain, it had been impossible to obtain "the full sentiments of the people." It was not considered advisable under the circumstances to proceed with the completion of a petition to the Continental Congress. It was recommended that an answer be made to a pamphlet dated October 2, 1776, sent by the New York Provincial Congress to Cumberland county, together with reasons why it would be advantageous to the people of the New Hampshire Grants to form a separate State; and that a manifesto be published in the newspapers, "setting forth the reasons in easy terms why we choose not to connect with New York."

The report was accepted, and it was voted that a petition be drawn to send to the New York Provincial Congress, requesting the approbation of that body for the formation of the New Hampshire Grants into a separate State. Col. William Marsh, Capt. Ira Allen, Solomon Phelps, and Dr. Jonas Fay were appointed a committee to draft the petition authorized. There is no record that such a petition ever was presented.



A committee consisting of Maj. Abijah Lovejoy, Col. William Marsh, Capt. Ira Allen, Col. Jacob Bayley, Solomon Phelps, Maj. Joseph Tyler, Col. Benjamin Carpenter, Benjamin Emmons, Elijah Olcott, Dr. Reuben Jones, and Daniel Jewett, was appointed to carry the proceedings of the Convention through Cumberland and Gloucester counties, and to secure signatures to the "associations" favoring the formation of a new State. The Convention was then adjourned to meet in the same place the morning of the third Wednesday in January.

The adjourned session met at Westminster, January 15, 1777, and was made up of the following delegates: Capt. John Burnam, Nathan Clark and Nathan Clark, Jr., of Bennington, Lieut. Martin Powell, Capt. John Hall of Castleton, Col. Thomas Chittenden of Williston, Capt. Ira Allen of Colchester, Capt. Joseph Bowker and Capt. Heman Allen of Rutland, Lieut. Leonard Spaulding of Dummerston, Lieut. Dennis Lockland of Putney, Nathaniel Robinson and Joshua Webb of Westminster, Capt. Samuel Fletcher of Townshend, Col. Thomas Chandler of Chester, Dr. Reuben Jones and Lieut. Moses Wright of Rockingham, Ebenezer Hoisington of Windsor, Stephen Tilden of Hartford, Benjamin Emmons of Woodstock, Maj. Thomas Moredock (Murdoch) and Joseph Burton of Norwich, Maj. Joseph Williams and Lieut. Nathaniel Seeley of Pownal. Letters were also received from Pomfret, Barnard and Royalton favoring the new State. Capt. Joseph Bowker presided and adjournment was taken until the following morning.

Leonard Spaulding, Ebenezer Hoisington and Thomas Murdock were appointed a committee to canvass the vote on the formation of a separate State and reported that more than three-fourths of the people of Cumberland and Gloucester counties favored a new State. After an hour's intermission the Convention re-assembled and adopted the historic and momentous declaration: "That the district of land commonly called and known by the name of the New Hampshire Grants be a new and separate State; and for the future conduct themselves as such." Thus, on January 16, 1777, only a little more than six months after the Thirteen Colonies declared their independence, the New Hampshire Grants followed suit.

Nathan Clark, Ebenezer Hoisington, John Burnam, Jacob Burton and Thomas Chittenden were appointed a committee to draft a declaration, and Ira Allen, Thomas Chandler, Reuben Jones, Stephen Tilden and Nathan Clark, Jr., were directed to draw a plan for further proceedings. Adjournment then was taken until the following morning.

The committee to which the matter was referred reported the following declaration:

"Right I. That whenever protection is withheld, no allegiance is due nor can it of right be demanded.

"2nd. That whenever the lives and properties of a part of the community have been manifestly aimed at by either the legislative or executive authority of such community, necessity requires a separation. Your committee are of opinion that the foregoing has for many years past been the conduct of the monopolizing land

traders of the colony of New York; and that they have not only been countenanced but encouraged by both the legislative and executive authorities of such State or colony. Many overt acts, in evidence of this truth, are so fresh in the minds of the members, that it would be needless to recite them. And whereas the Congress of the several States did, in said Congress on the 15th day of May A. D. 1776, in a similar case, pass the following resolution, viz.:

“ ‘Resolved That it be recommended to the respective assemblies and conventions of the United Colonies, where no government is sufficient to the exigencies of their affairs hath been hitherto established to adopt such government, as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.’

“Your committee, having duly deliberated on the continued conduct of the authority of New York, before recited, and on the equitableness on which the aforesaid resolution of Congress was founded, and considering that a just right exists in the people to adopt measures for their own security, not only to enable them to secure their rights against the usurpations of Great Britain, but also against that of New York, and the several other governments claiming jurisdiction of this territory, do offer the following declaration, viz.:

“This convention whose members are duly chosen by the free voice of their constituents in the several towns, on the New Hampshire Grants, in public meeting assembled, in our own names, and in behalf of our con-

stituents, do hereby proclaim and publicly declare that the district of territory comprehending and usually known by the name and description of the New Hampshire Grants, of right ought to be, and is hereby declared forever hereafter to be considered a separate, free and independent jurisdiction or State; by the name, and to be forever hereafter called, and known and distinguished by the name of New Connecticut; and that the inhabitants that at present are, or that hereafter may become residents, either by procreation or emigration, within said territory, shall be entitled to the same privileges, immunities and enfranchisements as are allowed; and on such conditions, and in the same manner, as the present inhabitants in future shall or may enjoy; which are, and forever shall be considered, to be such privileges and immunities to the free citizens and denizens as are, or, at any time hereafter, be allowed to any such inhabitants, of any of the free and independent States of America; and that such privileges and immunities shall be regulated in a bill of rights, and by a form of government, to be established at the next adjourned session of this convention."

The report of the committee was accepted and was made the declaration of the Convention. If there was any opposition to its adoption the fact does not appear in the records.

It was natural that the name New Connecticut should be bestowed upon the new commonwealth. It has been shown elsewhere that the region known as the New Hampshire Grants was literally the child of Connecticut. Connecticut people predominated among



those to whom Gov. Benning Wentworth made grants of land west of the Connecticut River. A majority of the settlers came hither from Connecticut. More names of townships were taken from Connecticut than from any other colony and Connecticut ideas and ideals were the foundations upon which this commonwealth was builded. The name New Connecticut speedily passed away but the fact remains—one of the great outstanding facts of Vermont history—that the influence of Connecticut upon Vermont probably was a greater constructive force than that exerted by all the other American colonies.

This committee reported further that the Continental Congress should be informed of the reasons why New Hampshire Grants had been declared an independent State and that that body be asked to grant said State a Representative in Congress. It was further recommended that a committee of war be appointed on the east side of the mountain range to act in conjunction with a similar committee on the west side; that some temporary policy should be adopted for establishing a system of government and that means should be devised for defraying the expenses of the agents to be sent to the Continental Congress and for printing the proceedings of the Convention. This report was accepted. It was further voted that the Declaration of Independence adopted should be inserted in the newspapers. There being no newspapers in the new State at that time, it was necessary to use those published in the older States, and particularly to use those of Connecticut. Heman Allen, Thomas Chandler and Nathan Clark were ap-

pointed a committee to prepare the declaration for publication. Jonas Fay, Thomas Chittenden, Reuben Jones, Jacob Bayley and Heman Allen were appointed delegates to carry the remonstrance and petition of Vermont to the Continental Congress. Heman Allen, Jonas Fay, Joshua Webb and Thomas Murdock were appointed a committee, each member of which was expected to raise one hundred dollars for a fund to defray the expenses of the delegates to Philadelphia. It may be said in passing that there were no millionaires in New Connecticut in those days and that hundred-dollar subscriptions were by no means easy to obtain.

The committee of war appointed for the east side consisted of Thomas Chandler of Chester, Stephen Tilden of Hartford, Ebenezer Hoisington of Windsor, Joshua Webb of Westminster, Dennis Lockland of Putney, Jotham Bigelow of Guilford, Thomas Johnson of Newbury, Elijah Gates of Norwich and Nicholas White of Bradford. It was directed that delegates from Cumberland county should be forbidden to sit in a New York Provincial Congress and the "ardent wish" of the Convention was expressed that each town in the State would send delegates to the next session of the Convention. It was voted to adjourn the Convention until the first Wednesday of June, the session to be held in the meeting house at Windsor.

The declaration and petition to Congress presented to that body April 8, 1777, rehearsed briefly the grievances of the people of the New Hampshire Grants against the government of New York and expressed the fear that their rights were still in danger because the New York

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convention held at Harlem the preceding August had voted that all quit rents within the State formerly due and owing to the British crown were due and owing to the Convention, or to such government as might thereafter be established in the State. The statement is made that when news of the Declaration of Independence adopted by the Continental Congress reached the petitioners they communicated it throughout the whole of their district.

The Declaration of the Independence of Vermont, prepared for the press by a committee appointed for the purpose, and published in the *Connecticut Courant* of March 17, 1777, was as follows: "Whereas the Honorable the Continental Congress did, on the 4th day of July last, declare the United Colonies in America to be free and independent of the crown of Great Britain; which declaration we most cordially acquiesce in: And whereas by the said declaration the arbitrary acts of the crown are null and void, in America, consequently the jurisdiction by said crown granted to New York government over the people of the New Hampshire Grants is totally dissolved:

"We, therefore, the inhabitants, on said tract of land, are at present without law or government, and may be truly said to be in a state of nature; consequently a right remains to the people of said Grants to form a government best suited to secure their property, well being and happiness. We the delegates from the several counties and towns on said tract of land, bounded as follows: South on the North line of Massachusetts Bay; East on the Connecticut River; North on Canada

line; West as far as the New Hampshire Grants extend:

“After several adjournments for the purpose of forming ourselves into a distinct separate State, being assembled at Westminster, do make and publish the following Declaration, viz.:

“That we will, at all times hereafter, consider ourselves as a free and independent State, capable of regulating our internal police, in all and every respect whatsoever—and that the people on said Grants have the sole and exclusive and inherent right of ruling and governing themselves in such manner and form as in their own wisdom they shall think proper, not inconsistent or repugnant to any resolve of the Honorable Continental Congress.

“Furthermore, we declare by all the ties which are held sacred among men, that we will firmly stand by and support one another in this our declaration of a State, and in endeavoring as much as in us lies, to suppress all unlawful routs and disturbances whatsoever. Also we will endeavor to secure to every individual his life, peace and property against all unlawful invaders of the same.

“Lastly, we hereby declare, that we are at all times ready, in conjunction with our brethren in the United States of America, to do our full proportion in maintaining and supporting the just war against the tyrannical invasions of the ministerial fleets and armies, as well as any other foreign enemies, sent with express purpose to murder our fellow brethren, and with fire and sword to ravage our defenceless country.



“The said State hereafter is to be called by the name of New Connecticut.”

The report of the Convention which opened at Windsor July 2, 1777, is very meagre, being made up of various bits of evidence gathered from several sources. It is unfortunate that there has been left no satisfactory account of this Convention which provided a constitution and frame of government for the new State, and gave to it the name which it bears. Researches made by Rev. Pliny H. White and Leonard Deming indicate that its membership included Alexander Harvey of Barnet, Jonas Fay and Joseph Safford of Bennington, Benjamin Baldwin and Bildad Andrus of Bradford, Thomas Chandler and Jabez Sargent of Chester, Thomas Chittenden and William Gage of Danby, Benjamin Carpenter of Guilford, Joseph Marsh of Hartford, Francis Whitmore of Marlboro, Jacob Bayley and Reuben Foster of Newbury, John Throop of Pomfret, William Ward and Nehemiah Howe of Poultney, Joshua Webb and Reuben Jones of Rockingham, Joseph Bowker of Rutland, Timothy Brownson of Sunderland, Ebenezer Allen and Charles Brewster of Tinmouth and Joseph Williams of Pownal.

To this list E. P. Walton added the names of Thomas Rowley of Danby, John Burnam of Bennington, Ira Allen and Heman Allen of Colchester, and was of the opinion that probably Nathan Clark of Bennington, Benjamin Spencer of Clarendon, Jeremiah Clark of Shaftsbury, Samuel Fletcher of Townshend, William Williams of Wilmington, Leonard Spaulding of Dummerston, Nathaniel Robinson of Westminster, Ebenezer Hoising-

ton of Windsor, John W. Dana of Pomfret and John Coffein of Cavendish were members.

The Convention organized by choosing Joseph Bowker president and Joseph Marsh vice-president. Mr. Bowker had been president of all the conventions of the New Hampshire Grants with the exception of the first two held at Dorset. After organizing, the Convention listened to a sermon preached by Rev. Aaron Hutchinson of Pomfret. Some time was given to the consideration of military affairs relating to Burgoyne's invasion. The proposed constitution then was read and was taken up for discussion, the debate continuing until July 8, when news came of the evacuation of Ticonderoga by General St. Clair. This report caused great alarm, as the families of many of the members, including the household of President Bowker, were exposed to danger. The sentiment was in favor of immediate adjournment to permit the members to hasten in defence of their families. Just at this point, however, a furious thunder storm began, and being unable to start for their several homes, the members again gave their attention to the constitution, which was read for the last time and unanimously adopted.

Provision was made for an election to be held in December, 1777. Joseph Marsh, Joseph Williams and Timothy Brownson were appointed a committee to procure a supply of arms for the State. A Council of Safety was appointed to conduct the affairs of the State until an election could be held. According to General Stark the committee consisted of twelve members. No official list exists but it is known that it included Thomas

Chittenden, Ira Allen, Moses Robinson, Jonas Fay, Joseph Fay, Paul Spooner, Nathan Clark and Jacob Bayley. Probably Jeremiah Clark, Benjamin Carpenter, Heman Allen and Matthew Lyon were members. The Convention voted to establish a loan office, appointing Ira Allen trustee, and adjourned.

The text of the Preamble and Bill of Rights follows:

“Whereas, all government ought to be instituted and supported, for the security and protection of the community, as such, and to enable the individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

“And whereas, the inhabitants of this State have, (in consideration of protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein, not only the troops of Great Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic dominion of the British Parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress,) whereby all allegiance and fealty to the said King and his successors, are dissolved and at an end; and all power

and authority derived from him, ceased in the American colonies.

“And whereas, the territory which now comprehends the State of Vermont, did antecedently, of right, belong to the government of New Hampshire; and the former Governor thereof, viz. his Excellency Benning Wentworth, Esq., granted many charters of lands and corporations, within this State, to the present inhabitants and others. And whereas, the late Lieutenant Governor Colden, of New York, with others, did, in violation of the tenth command, covet those very lands; and by a false representation made to the court of Great Britain, (in the year 1764, that for the convenience of trade and administration of justice the inhabitants were desirous of being annexed to that government,) obtained jurisdiction of those very identical lands *ex-parte*; which ever was, and is, disagreeable to the inhabitants. And whereas the legislature of New York, ever have, and still continue to disown the good people of this State, in their landed property, which will appear in the complaints hereafter inserted and in the 36th section of their present constitution, in which is established the grants of land made by that government.

“They have refused to make re-grants of our lands to the original proprietors and occupants, unless at the exorbitant rate of 2,300 dollars fees for each township; and did enhance the quit rent, three fold, and demanded an immediate delivery of the title derived before, from New Hampshire.

“The judges of their supreme court have made a solemn declaration, that the charters, conveyances, etc.,



of the lands included in the before described premises, were utterly null and void, on which said title was founded; in consequence of which declaration, writs of possession have been by them issued, and the sheriff of the county of Albany sent, at the head of six or seven hundred men, to enforce the execution thereof.

“They have passed an act, annexing a penalty thereto, of thirty pounds fine and six months imprisonment, on any person who should refuse assisting the sheriff, after being requested, for the purpose of executing writs of possession.

“The Governors, Dunmore, Tryon and Colden, have made re-grants of several tracts of land, included in the premises, to certain favorite land jobbers in the government of New York, in direct violation of his Britannic majesty’s express prohibition, in the year 1767.

“They have issued proclamations, wherein they have offered large sums of money, for the purpose of apprehending those very persons who have dared boldly, and publicly, appear in defence of their just rights.

“They did pass twelve acts of outlawry, on the ninth day of March, A. D. 1774, empowering the respective judges of their supreme court, to award execution of death against those inhabitants in said district that they should judge to be offenders, without trial.

“They have, and still continue, an unjust claim to those lands, which greatly retards emigration into, and the settlement of, this State.

“They have hired foreign troops, emigrants from Scotland, at two different times, and armed them, to drive us out of possession.

"They have sent the savages on our frontiers, to distress us.

"They have proceeded to erect the counties of Cumberland and Gloucester, and establish courts of justice there, after they were discountenanced by the authority of Great Britain.

"The free Convention of the State of New York, at Harlem, in the year 1776, unanimously voted, 'That all quit rents formerly due to the King of Great Britain, are now due and owing to this Convention, or such future government as shall be hereafter established in this State'.

"In the several stages of the aforesaid oppressions, we have petitioned his Britannic majesty, in the most humble manner, for redress, and have, at very great expense, received several reports in our favor; and in other instances, wherein we have petitioned the late legislative authority of New York, those petitions have been treated with neglect.

"And whereas, the local situation of this State, from New York, at the extream part, is upwards of four hundred and fifty miles from the seat of that government, which renders it extream difficult to continue under the jurisdiction of said State.

"Therefore, it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be, henceforth, a free and independent State; and that a just, permanent and proper form of government, should exist in it, derived from, and founded on, the authority of the people only, agreeable to the direction of the honorable American Congress.

“We the representatives of the freemen of Vermont, in General Convention met, for the express purpose of forming such a government,—confessing the goodness of the Great Governor of the Universe, (who alone, knows to what degree of earthly happiness, mankind may attain, by perfecting the arts of government,) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves, such just rules as they shall think best for governing their future society; and being fully convinced that it is our indispensable duty, to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever,—do, by virtue of authority vested in us, by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the Constitution of this Commonwealth, and to remain in force therein, forever, unaltered, except in such articles, as shall, hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

### Chapter I.

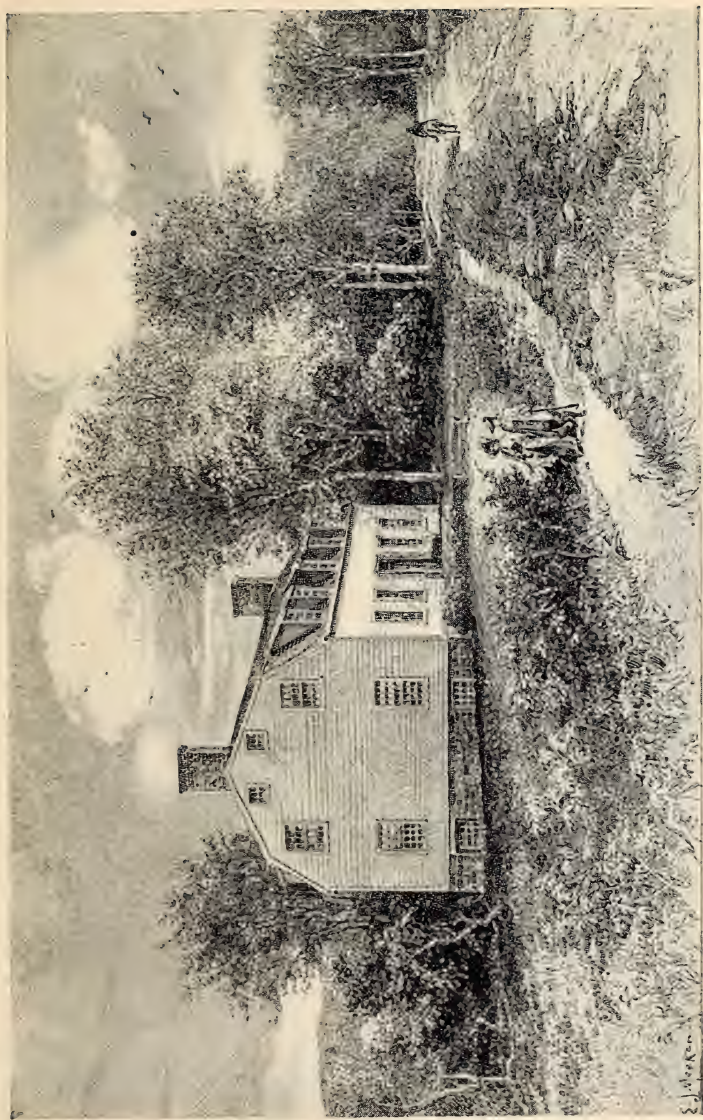
“A declaration of the rights of the inhabitants of the State of Vermont.

“I. That all men are born equally free and independent, and have certain natural inherent and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave or apprentice, after he arrives to the age of twenty-one years, nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive at such age, or bound by law, for the payment of debts, damages, fines, costs, or the like.

“II. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

“III. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understanding, regulated by the word of God; and that no man ought, or, of right, can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his own conscience; nor can any man who professes the Protestant religion be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiment, or peculiar mode of religious worship, and that no authority can, or ought to be vested in, or assumed by any power whatsoever, that shall in any case, interfere





Old House Occupied by Ethan Allen at Bennington



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with, or in any manner controul, the rights of conscience, in the free exercise of religious worship: nevertheless, every sect or denomination of people ought to observe the Sabbath, or the Lord's day, and keep up, and support, some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

"IV. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

"V. That all power being originally inherent in, and consequently, derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

"VI. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish government, in such manner as shall be, by that community, judged most conducive to the public weal.

"VII. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

"VIII. That all elections ought to be free; and that all freemen, having a sufficient, evident common interest

with, and attachment to, the community, have a right to elect officers, or be elected into office.

“IX. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore, is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man’s property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law, but such as they have in like manner, assented to, for their common good.

“X. That, in all prosecutions for criminal offences, a man hath a right to be heard, by himself and his counsel—to demand the cause and nature of his accusation—to be confronted with the witnesses—to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country; without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty, except by the laws of the land or the judgment of his peers.

“XI. That the people have a right to hold themselves, their houses, papers and possessions free from search or seizure; and therefore warrants, without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search sus-



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pected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

“XII. That no warrant or writ to attach the person or estate of any freeholder within this State, shall be issued in civil action, without the person or persons, who may request such warrant or attachment, first make oath, or affirm, before the authority who may be requested to issue the same, that he, or they, are in danger of losing his, her or their debts.

“XIII. That, in controversies respecting property, and in suits between man and man, the parties have a right to a trial by jury; which ought to be held sacred.

“XIV. That the people have a right to freedom of speech, and of writing and publishing their sentiments; therefore, the freedom of the press ought not to be restrained.

“XV. That the people have a right to bear arms for the defence of themselves and the State; and, as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

“XVI. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free. The people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legis-

lators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

“XVII. That all people have a natural and inherent right to emigrate from one State to another, that will receive them; or to form a new State in vacant countries, or in such countries as they can purchase, whenever they think that thereby they can promote their own happiness.

“XVIII. That the people have a right to assemble together, to consult for their common good—to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition or remonstrance.

“XIX. That no person shall be liable to be transported out of this State, for trial, for any offence committed within this State.”

The plan or frame of government provided for a Governor, Deputy Governor, Council and an Assembly. The legislative power was vested in the House of Representatives and the executive power in a Governor and Council. Provision was made for the training and arming of the freemen of the commonwealth and their sons for purposes of defense and of the regulation of the General Assembly, reserving to the people the right to choose their colonels of militia and other commissioned officers.

The members of the House of Representatives were to be chosen one for each town in the State. The Constitution specified that this body should consist “of persons most noted for wisdom and virtue.” Each

member of the House of Representatives was required to declare under oath his belief in God, in the divine inspiration of the Scriptures of the Old and New Testament, and to make a profession of the Protestant religion. Provision was made for trial by jury, and for justice "impartially administered without corruption or unnecessary delay." A corrupt practice section declared that any elector who should receive any gift or reward for his vote "in meat, drink, moneys or otherwise," should forfeit his right to participate in that election. Freedom of the press was provided and a protest was made against establishing offices of profit. Schools were to be established in each town and it was recommended that there should be one grammar school in each county and one University in the State.

A comparison of this Constitution with that adopted by Pennsylvania in 1776 shows that the new State followed the Pennsylvania instrument very closely, the exact wording being used to a considerable extent. This Constitution, in no small part, was adapted from William Penn's "Frame of Government of the Province of Pennsylvania in America," and was recommended earnestly as a model by Dr. Thomas Young, a friend of Ethan Allen, who took great interest in the welfare of the people of the New Hampshire Grants. In prohibiting slavery the new State was doing pioneer work, being the first American commonwealth to take such action. In some other important respects the Vermont Constitution differed from that of Pennsylvania, notably in such matters as compensation secured for private property taken for public uses, security of

Protestants against civil disabilities on account of religion, the sole right of the people to govern the internal police and provision that no person should be transported for trial out of the State for an offence committed within its borders.

One of the most notable features of the Vermont Constitution is brought out by McMaster, in his "History of the People of the United States," in which he says: "Under most of these early (State) Constitutions none but property-owning, tax paying men could give that consent from which government derives its just powers. The government set up by many a constitution, despite the principle announced in its preamble, was that of a class. Nowhere, save in Vermont, did manhood suffrage exist. Elsewhere no man voted who did not pay a property tax, or rent a house, or own a specified number of acres of land, or have a specified yearly income. \* \* \* In Kentucky and Vermont manhood suffrage for the first time was made a part of the political system of the United States."

Thus the Vermont Constitution was the first to forbid slavery and the first to permit manhood suffrage, distinctions which make it a notable document in the history of American freedom.

At this time the only States which had adopted constitutions were New Jersey, Virginia, Maryland, Delaware, Pennsylvania and North Carolina, which had adopted such instruments in 1776, and Georgia and New York, which had held conventions early in the year 1777.



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Provision had been made for holding the first election under the Constitution in December, 1777, and the first meeting of the General Assembly at Bennington in January, 1778. Such action, however, was rendered impossible, as Slade suggests in his "Vermont State Papers," on account of the progress of Burgoyne's campaign and the fact that the Constitution had not been printed in time to call an election. Therefore the Council of Safety summoned the Convention to reassemble at Windsor, December 24, 1777, proximity to Christmas not being considered an objection at that period.

This Convention made some revision of the Constitution and postponed the election to the first Tuesday of March, 1778, and the meeting of the General Assembly to the second Thursday of the same month. Details are lacking, owing to the fact that the journals of the Convention have been lost.

The reason why the first Constitution was not submitted to the people for ratification was explained with considerable frankness by Ira Allen in his "History of Vermont." He refers to "intestine divisions and different opinions" which prevailed among the people and even in the Convention, where, to avoid discord, a large majority yielded to the minority during the deliberations. He alludes to the fact that provision was made for amending the Constitution, and adds: "Had the Constitution been then submitted to the consideration of the people for their revision, amendment and ratification, it is very doubtful whether a majority would have confirmed it, considering the resolution of

Congress, and their influence at that time, as well as the intrigue and expense of the Provincial Congress of New York, who endeavored to divide and subdivide the people." Allen further says that Bennington was the only town in the new State that objected to the Constitution because it had not been submitted to popular vote, and only twenty-one of its freemen qualified for the first election. This feeling of hostility soon died away in Bennington, and the Constitution gave general satisfaction.

## CHAPTER XXI

### STATE GOVERNMENT ORGANIZED





THE first election for State officers was held on Tuesday, March 3, 1778. Ira Allen, to whom had been assigned the task of arranging for the printing of the new Constitution, had returned from Hartford, Conn., only a few days prior to the time fixed for the election, and had distributed copies of the document. In his "History of Vermont" Allen observes: "There was one (or more) in each town who coveted the honor of being a member in the first General Assembly of the new State of Vermont. It was, therefore, to their interest to induce their friends to attend the meeting and take the freeman's oath." The ambitions of "one or more in each town who coveted the honor," have been of material assistance in getting out a full vote on many an election day in Vermont since the first freeman's meeting in 1778.

Surely no time was lost between the date of election and the convening of the General Assembly, which met Thursday, March 12, in the meeting house at Windsor. When one considers the lack of roads, the primitive methods of transportation, and the margin of a little more than a week between the election of legislators and the starting of the legislative machinery, it is evident that the utmost diligence must have been required on the part of members to arrange their affairs and reach the village of Windsor at the time appointed. Joseph Bowker of Rutland, president of several of the early conventions, was elected Speaker, and Maj. Thomas Chandler of Chester was chosen clerk. After organization, Rev. Mr. Powers preached a sermon from the text, "And Jesus came and spoke unto them, saying, all

power is given unto me in heaven and in earth"—Matt. 28; 18. This sermon gave such general satisfaction to the members that they passed a resolution of thanks, and as a more substantial token presented the preacher with the sum of ten pounds, raised by contribution.

A committee consisting of Col. Thomas Chittenden, Capt. Joseph Bowker, Col. Timothy Brownson, Capt. Ira Allen, Col. Peter Olcott, Col. Joseph Marsh, Deacon Benjamin Emmons, Dr. Jonas Fay, Dr. Paul Spooner, Maj. Thomas Chandler, Maj. Jeremiah Clark and Col. Jacob Kent, was chosen to receive, sort and count the votes cast for Governor, Deputy Governor, Treasurer and twelve members of the Council. It was found that Thomas Chittenden was elected Governor "by a great majority of votes." For Deputy Governor, or Lieutenant Governor, there appeared to be no election, Col. Joseph Marsh of Hartford lacking eleven votes of a majority. He was, therefore, elected by the General Assembly, and a little later fifteen additional votes were brought in for Colonel Marsh, which made him the choice of the people. There being no choice for the office of Treasurer, Col. Ira Allen was elected by ballot.

The Councillors chosen were Joseph Bowker of Rutland, Jacob Bayley of Newbury, Jonas Fay of Bennington, Timothy Brownson of Sunderland, Peter Olcott of Norwich, Paul Spooner of Hartland, Benjamin Carpenter of Guilford, Jeremiah Clark of Shaftsbury, Ira Allen of Colchester, Thomas Murdock of Norwich, Moses Robinson of Bennington and Benjamin Emmons of Woodstock.

On the following day, Friday, March 13, the newly elected officers took the oath prescribed and entered upon the duties of their relative offices. Joseph Bowker having been elected a Councillor, Nathan Clark of Bennington was chosen to succeed him as Speaker. Maj. Thomas Chandler at this time was elected Secretary of State. The superstition that Friday occurring on the thirteenth day of the month is a day of ill omen, did not deter the Vermont fathers from inaugurating their government on that day.

The new Governor was fifty-eight years old when he assumed his executive duties. He was born at East Guilford, Conn., and at the age of eighteen, desiring adventure, sailed on a voyage to the West Indies. With his companions he was made a prisoner by a French warship and was landed on an island without money or friends. After enduring many hardships, he returned to his New England home. In 1749 he married Elizabeth Meigs and removed to Salisbury, Conn., in a newly settled portion of the colony. He represented his town in the provincial Legislature during the years 1765 to 1769 inclusive, and again in 1772. He also served as Justice of the Peace and as a Colonel of militia. When the emigration to the New Hampshire Grants began, Colonel Chittenden, in 1774, removed to Williston and cleared a large farm in the fertile Winooski valley, remaining until 1776, when he was obliged to abandon his home on account of the activity of British troops. He was a member of the conventions which organized the new commonwealth and was president of the Council of Safety. He possessed remarkable qualities of leader-

ship, was tactful and was noted for the soundness of his judgment. Ethan Allen once said of him that he was the only man he ever had known who was sure to be right, even in the most complex cases, without being able to tell the reason why. He never made a formal speech, but was able in a few sentences to sum up a situation clearly and forcibly. Governor Chittenden was over six feet in height. Because he had lost the sight of one eye, his opponents called him "One-eyed Tom."

Joseph Marsh, the first Lieutenant Governor, was born at Lebanon, Conn., January 12, 1726, and came to Hartford in the New Hampshire Grants in 1772. In 1776 he was appointed Colonel of the Cumberland county militia and the same year was elected a member of the New York provincial Congress. In 1777 he was a member of the Windsor Conventions.

A variety of business was transacted at the first session of the General Assembly of Vermont. It was voted to divide the State into two counties, one on each side of the Green Mountain range, the county on the west side to be called Bennington and the one on the east side, Unity. Before this session ended it was decided to change the name of Unity county to the more familiar one of Cumberland county, each county to be divided into four probate districts. The Governor was to be styled His Excellency, and was to have a salary of fifty pounds. Acts punishing high treason and treacherous conspiracies were taken verbatim from "the Connecticut law book."

An act of affirmation was provided for Quakers; a bill for altering, regulating and mending highways was



defeated; and the first of a multitude of laws relating to fishing was passed, providing for the appointment of a committee to draft a bill "for the purpose of preventing some individuals catching all the fish that pass and re-pass up and down White River." Judges were elected for the shires of Newbury, Westminster, Bennington and Rutland.

On Thursday, March 26, the Legislature adjourned to the first Thursday of June, having been in session two weeks.

The adjourned session met at Capt. Stephen Fay's home at Bennington, Thursday, June 4, but thereafter the sessions were held in the meeting house. It was a graceful and an appropriate act for the General Assembly to present its compliments to that distinguished patriot, Rev. Jedediah Dewey, and ask him "to pray with the Assembly, at their opening in the morning, for this present session." Before the year closed he died, the date of his death being December 24, 1778.

The June session was devoted largely to routine business, some of it relating to the perfecting of the governmental machinery necessary to operate the new State, and other measures relating to the protection of the inhabitants from their enemies. It was voted "to take the incorporated University of Dartmouth under the patronage of this State," an act destined to have no little effect on subsequent State policies. Rev. Eleazer Wheelock, D. D., of Dartmouth, was appointed a Justice of the Peace. In order to encourage manufacturing, a committee was appointed to confer with a Mr. McConnel, a wire drawer and card maker, and report what premium

ought to be given to induce him to establish such an industry in the State. Preliminary steps were taken relative to county elections, and it was voted "to give a premium for the destruction of wolves." Governor Benning Wentworth's charter provisions were renewed and directions issued to a committee to prepare a bill to preserve all white pine timber in the State fit for mast-ing.

After a session of two weeks, the Legislature adjourned on June 18, subject to the call of the Governor.

The third session held in 1778 met at Windsor, Thursday, October 8, and sixty towns elected seventy-four Representatives, several towns having two members each. Eleven towns east of the Connecticut River were represented. Included in the membership were such well known men as Col. Ethan Allen of Arlington, Moses Robinson of Rupert, Col. Ebenezer Walbridge of Bennington, Capt. Gideon Ormsby of Manchester, Capt. Abraham Underhill of Dorset, Maj. Gideon Olin of Shaftsbury, Thomas Rowley of Danby, Col. Samuel Fletcher of Townshend, Dr. Reuben Jones of Rockingham, Maj. Thomas Chandler of Chester and Bezaleel Woodward of Dresden (N. H.).

After attending divine service at the meeting house, the vote for State officers was canvassed and it was found that Governor Thomas Chittenden, Lieutenant Governor Joseph Marsh and Treasurer Ira Allen had been re-elected. A considerable portion of this session was devoted to a consideration of the controversy with New Hampshire, which will be considered in a subsequent chapter. A Superior Court, consisting of five

judges, was established. A committee of three was appointed to prepare a bill respecting the freedom of slaves,—“agreeable to the Bill of Rights,” Edward Harris of Halifax, Thomas Rowley of Danby and Thomas Cooper of Windsor being named. Provision was made for building a road from Wilmington to Bennington. Ethan Allen was appointed an agent to wait upon Congress when the Governor and Council should deem such action necessary. Thursday, November 26, was fixed upon as “a day of public and solemn Thanksgiving to Almighty God for His manifold mercies,” and the session adjourned October 24, to convene in the Bennington meeting house on the second Thursday of February, 1779.

Toward the close of the year the laws of 1778 were published in pamphlet form, but they were not recorded in the Secretary of State’s office. Slade is of the opinion that the laws of that year were considered as temporary.

The first act passed at the session of the General Assembly which met at Bennington, February 11, 1779, established the common law, as “generally practised and understood in the New England States,” as the common law of Vermont. It also declared that the Constitution of 1777 should be “forever considered, held, and maintained as part of the laws of this State.” It was a peculiar circumstance that a constitution supposed to be the power that authorizes a legislative body to enact laws, should be declared valid by a General Assembly,—that the creature should give approval and endorsement to the creator. Apparently that action was taken to overcome any objection that might be raised because the

Constitution had not been submitted to popular vote. It must be remembered that constitutional government was new in America, and that constitutional law and judicial procedure were not at all familiar to the people of Vermont.

A considerable body of law was enacted at this session. High treason was defined and made punishable by death. Other capital crimes named were murder, conspiracy, blasphemy, rape, bestiality, sodomy, false witness, premeditated arson, and malicious maiming. Adultery was punished by the infliction of thirty-nine stripes, branding on the forehead with the letter A, and the wearing of the letter A on the outside garment. Counterfeiting was punished by cutting off the right ear, branding with the letter C and imprisonment for life. A theft amounting to six pounds was punished by the infliction of thirty-nine stripes. The penalty for drunkenness, lying and profanity was punishment in the stocks. Only works of mercy and necessity were permitted on the Sabbath. There was to be no play or recreation on that day and no travel except such as might be necessary for attendance upon public worship, the result of some adversity, or on business concerning "the present war." The penalty for Sabbath breaking was a fine of forty shillings and from five to ten stripes on the naked back.

The line between Bennington and Cumberland counties was established, the division being along the Green Mountain range, substantially, although not always precisely, where the division was established more than a



century later between the First and Second congressional districts.

The militia law provided for five regiments, and all male persons between the ages of sixteen and fifty years, with certain exceptions, were required to bear arms and attend muster.

A bounty of eight pounds was fixed on full grown wolves and panthers, and a closed season on deer from January 10 to June 10 was established.

The acts of this session were declared temporary, to remain in force until the rising of the General Assembly the following October.

A brief session of the Legislature was held at Windsor in June, when four acts were passed to remain in force until the rising of the Assembly in October. The October session held at Manchester provided for the better regulation of land titles and declared every act on the Statute book "in full force and virtue" until the completion of the March session. At the session held in Westminster in March, 1780, the laws were continued in force until the end of the October session. The transportation of food products outside of the State was forbidden except for the use of the Continental troops, or by permission of the Governor and three of his Council.

At the October session, held at Bennington, all genuine coined gold, silver and copper coins and bills of credit emitted by the United States were declared to be legal money. Fees were regulated and fines were established. Provision was made for a Commissary General and supplies were voted for the troops to the amount of seventy-two thousand, seven hundred and eighty-one pounds of

beef, thirty-six thousand, three hundred and eighty-nine pounds of salt pork, two hundred and eighteen thousand, three hundred and nine pounds of wheat flour, three thousand and sixty-eight bushels of rye and six thousand, one hundred and twenty-five bushels of Indian corn. The quotas for the sixty-four towns of the State were fixed by law, that for Bennington being the largest, with Shaftsbury, Windsor and Pownal following in the order named. Military regulations were established, and provision was made for the removal of disaffected persons from the frontiers of the State and for the confiscation of the estates of persons joining the enemies of Vermont and the United States. The existing laws were continued in force for another year.

The early relations between New Hampshire and the new State of Vermont were cordial. In the correspondence preceding the battle of Bennington, President Mesheck Weare virtually had acknowledged the independence of Vermont and it was expected that the influence of New Hampshire would be exerted in favor of Vermont's admission to the Federal Union. On the first day that the Vermont Legislature met, March 12, 1778, a petition was presented from sixteen towns on the east side of the Connecticut River, Cornish, Lebanon, Dresden (a name given to a district around Dartmouth College), Lyme, Orford, Piermont, Haverhill, Bath, Lyman, Apthorp (later divided into Littleton and Dalton), Enfield, Canaan, Cardigan (later called Orange), Landaff, Gunthwaite (later called Lisbon) and Morristown (later called Franconia), praying for annexation to Vermont. It was argued that the orig-

inal grant of New Hampshire to Capt. John Mason extended only sixty miles from the sea, all the lands to the westward being royal grants. It was further argued that with the independence of the American colonies, the inhabitants of these royal grants "reverted to a state of nature." Therefore the claim was made that these people were not connected with any State so far as internal police regulations were concerned.

The Legislature was perplexed and embarrassed by this petition, the ablest members of that body realizing the danger of interfering with the domestic affairs of a neighboring State. According to Ira Allen the dispute over this matter became so heated that members from several Connecticut River towns threatened to withdraw, and, uniting with people east of the Connecticut River, to form a new State. It was decided, finally, that the matter be referred to a vote of the people, an early use of the referendum. Of the forty-seven towns voting, thirty-five favored the proposed union and twelve opposed. Accordingly the June session of the General Assembly, by a vote of thirty-seven yeas to twelve nays, authorized the annexation of the sixteen towns mentioned. This step having been taken, these towns, on June 25, 1778, announced to the government of New Hampshire that they had been admitted as a part of the State of Vermont, expressing a desire for an amicable settlement of the boundary line and friendly relations.

There had been much dissatisfaction in the small towns of Cheshire and Grafton counties, owing to a lack of representation in the New Hampshire Legislature, and a convention was held at Dartmouth College, July

31, 1776, which issued an address to the people of New Hampshire. During the same year, 1776, Col. John Wheelock, son of President Eleazer Wheelock of Dartmouth College, at Norwich, on the west side of the Connecticut River, proposed a union of towns on both sides of that stream. No action was taken at the time, although it has been intimated that there was a secret understanding between the people of Grafton and Gloucester counties, on opposite sides of the river, not to be separated permanently. There developed in these Connecticut River towns a sentiment for closer union, which was guided and fostered apparently by a group of able men at Dartmouth College. The affairs of the new State were dominated largely by a group of men in and near Bennington—Chittenden, the Allens, the Fays, and others. There appears to have been no little rivalry between what sometimes has been called the Bennington and Dartmouth College parties.

President Weare wrote to the delegates from the sixteen seceding New Hampshire towns on August 19, 1778, protesting against the action of "the pretended State of Vermont," and asserting that nearly half the people in those towns were opposed to the proceedings of the majority. He charged Col. Timothy Bedel, who had received money from Congress for organizing troops to defend the northern frontier, with responsibility for much of the disorder in the disaffected towns, and expressed the fear that the affair might lead to bloodshed.

Three days later President Weare wrote to Governor Chittenden, characterizing the claim that the sixteen



towns annexed had not been connected with any State, as "an idle phantom, a mere chimera, without the least shadow of reason for its support." He also expressed his astonishment that at a time when uncertainty existed regarding the admission of Vermont as a separate State of the Union, their enemies should be supplied in this manner with arguments against them. When this letter was received, Governor Chittenden convened the Council, and Ethan Allen, who recently had returned from a long period of captivity, was asked to proceed to Philadelphia and ascertain the opinion of Congress concerning recent proceedings in Vermont.

Allen reached Philadelphia on September 19, and learned that three days earlier New Hampshire had presented a remonstrance against Vermont's annexation of towns on the east side of the Connecticut River and had requested that some action be taken "to prevent the effusion of blood and the confusion and disorders which would, otherwise, inevitably ensue." At the same time charges made against Vermont by New York were admitted, and only urgent business prevented consideration of these matters on the day preceding Allen's arrival. As soon as he learned how matters stood he urged that no hasty decision should be made and objected vigorously to a joint consideration of the New Hampshire and the New York protests, alleging that they differed widely in their nature. As a result of his personal influence and his urgent protest, it was agreed that consideration should be delayed until he could present the situation to the members of the General Assembly.

Allen reported to the Governor and Legislature on October 10, his opinion, "that except this State recede from such union, immediately the whole powers of the confederacy of the United States of America will join to annihilate the State of Vermont, and to vindicate the right of New Hampshire."

A committee was appointed to consider the New Hampshire situation, consisting of Governor Chittenden, Lieutenant Governor Marsh, Col. Elisha Payne, Jonas Fay and Bezaleel Woodward. Three of the five members of this committee were affiliated with the so-called Dartmouth College party, which, apparently, was in the ascendancy in the Legislature, Prof. Bezaleel Woodward of Dartmouth College being clerk of the House. The report of this committee, as adopted, declared in favor of maintaining the union with the New Hampshire towns annexed, and made proposals concerning a submission of the dispute to Congress or to any court that might be agreed upon. When the proposal was made the following day to rearrange counties to include these New Hampshire towns, the bill was defeated by a vote of thirty-five to twenty-six, separate propositions to annex these towns to Cumberland county and to erect them into a separate county being voted down. Apparently the report of Ethan Allen had created a greater impression than the committee report adopted would indicate. The following day, October 22, Lieutenant Governor Marsh, Col. Peter Olcott and Thomas Murdock of the Council, and twenty-four members of the Assembly, including Representatives from ten Vermont towns in the Connecticut valley, withdrew from

the Legislature and separately asserted that the action of the preceding day relative to the towns east of the Connecticut River was in direct violation of the Constitution. Furthermore they decided that such action either was illegal and void or that it destroyed the confederation of the State and the Constitution. The document closed with a declaration that these seceding members would not exercise any office or place, either executive, legislative, or judicial, as long as the vote to which objection was made remained in force.

Certainly a serious condition of affairs existed when nearly half the legislative body withdrew only a little more than six months after the Vermont government had been inaugurated.

Before adjourning the October session, the Legislature directed its members to lay before their constituents the matter of the union with the sixteen New Hampshire towns and to ask for instructions. Towns which had not yet elected Representatives or in which the members had withdrawn were directed to hold new elections.

A committee of the seceding members issued a call on October 23, signed by Joseph Marsh, as chairman, calling a Convention at Cornish the second Wednesday of December, to which towns on both sides of the Connecticut River were invited to send delegates. The objects set forth were to agree upon a policy of united action whereby a State might be formed which would be admitted to the Federal Union, or if this were impossible to become a part of New Hampshire as that province stood before the decree of 1764. This meant, of

course, the annexation of Vermont, or a portion of the State, to New Hampshire.

The Cornish Convention was held December 9, 1778, with Lieutenant Governor Joseph Marsh as chairman. Eight Vermont and fourteen New Hampshire towns were represented. Proposals were made to New Hampshire that a new boundary line be agreed upon between that State and the Grants; or that a commission be selected from the other three New England States to settle the dispute; that the controversy be referred to Congress for settlement; or that the boundary line on the west bank of the Connecticut River be abolished and one State formed. Until action was taken on these proposals the "United Towns," as the Cornish Convention styled itself, declared that they "would trust in Providence and defend themselves." An executive committee was appointed with large powers consisting of Lieut. Gov. Joseph Marsh, Prof. Bezaleel Woodward, Col. Elisha Payne, Col. Peter Olcott, Gen. Jacob Bayley, Col. Israel Morey and Maj. Jonathan Child, most of them men prominently identified with Vermont.

In this condition of affairs there was grave danger that the new State might be destroyed. Before the assembling of the Cornish Convention Ethan Allen had sent a letter to President Weare by his brother Ira, in which he declared that in his opinion the union with the New Hampshire towns had been dissolved, a union which he had "ever viewed to be incompatible with the right of New Hampshire," and he hoped the government of that State would "excuse the imbecility of Vermont."



The Cornish committee was active in attempting to secure instructions for members of the Vermont Legislature in favor of continuing the union with the sixteen New Hampshire towns, but without much success. When the February session met at Bennington, the attendance of members from the east side of the State was small. The New Hampshire controversy was brought before the General Assembly in the form of a committee report signed by Jonas Fay, chairman, expressing the opinion that the sixteen towns east of the Connecticut "are of right included within the jurisdiction of New Hampshire." This report was accepted without opposition and it was declared, February 12, 1779, "that the said union be and is hereby dissolved and made totally void, null and extinct." The report and resolution were presented to President Weare and the New Hampshire Council on March 20, by Ira Allen.

A petition signed by Gen. Jacob Bayley and Capt. Davenport Phelps was presented to the New Hampshire Legislature on March 17, claiming that the people of Vermont generally desired a union with New Hampshire, and asking that the entire region embraced in the new State should be annexed. After considering the petition for several weeks it was determined that claim should be made to jurisdiction to all the New Hampshire Grants only in the event that Congress should refuse to admit that region as the State of Vermont. The Cornish committee was requested to obtain the sentiment of the people of Vermont on the subject of union with New Hampshire. A most energetic protest

against such action was made by Vermont, and Ira Allen was sent to Exeter, the seat of the New Hampshire government, to watch proceedings. Only a few Vermont towns, however, took any action in the matter, the Cornish committee asserting that "the Bennington party" had intercepted and destroyed many copies of the circular letters sent out.

Ethan Allen wrote to President Weare, March 4, 1779, urging the government of New Hampshire to exert its authority on the east side of the Connecticut River, as he considered the schism on both sides to be equally against both governments. The leaders of the "schism" were characterized as a "petulant, petifogging, scribbling sort of gentry that will keep any government in hot water."

Ira Allen issued a statement dated at Norwich, July 13, 1779, and addressed "To the inhabitants of the State of Vermont," reviewing the facts in the New Hampshire controversy, and making a strong, logical and eloquent plea for the preservation of the integrity of Vermont.

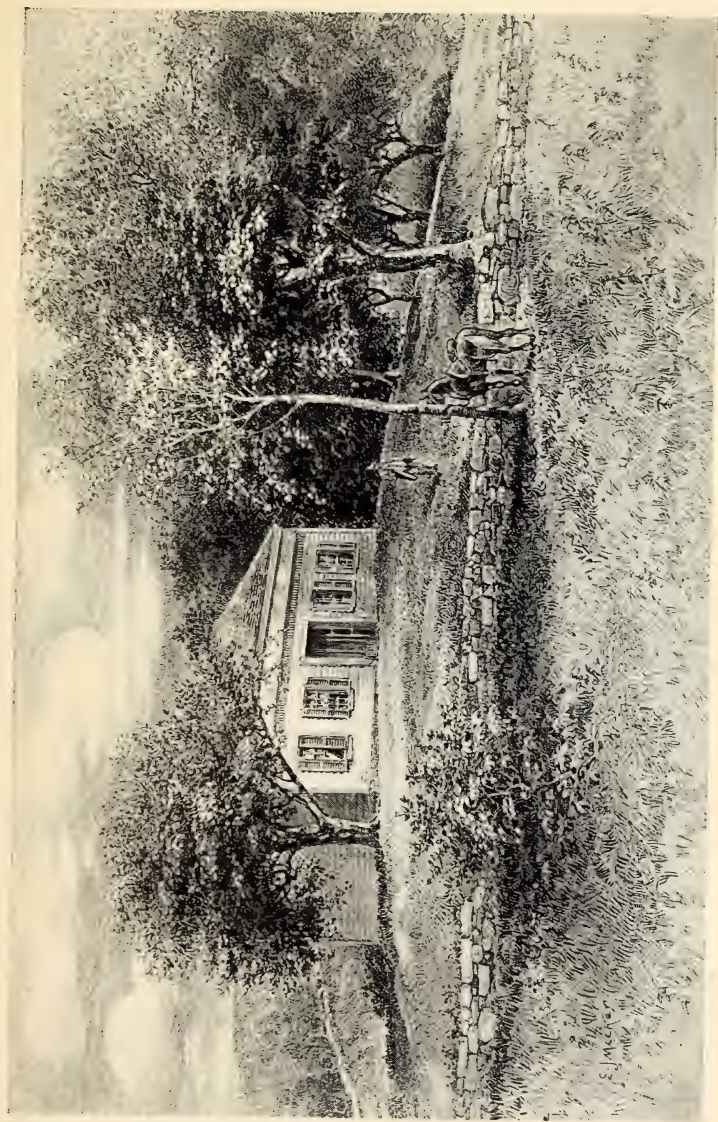
About this time both New Hampshire and Massachusetts presented to Congress claims upon the territory of Vermont.

The little Green Mountain commonwealth now was surrounded by enemies, and there were foes within its own household. Three States, New York, New Hampshire and Massachusetts, were claiming its territory, while to the north was Canada, controlled by the common enemy, Great Britain. Such perils might have dismayed

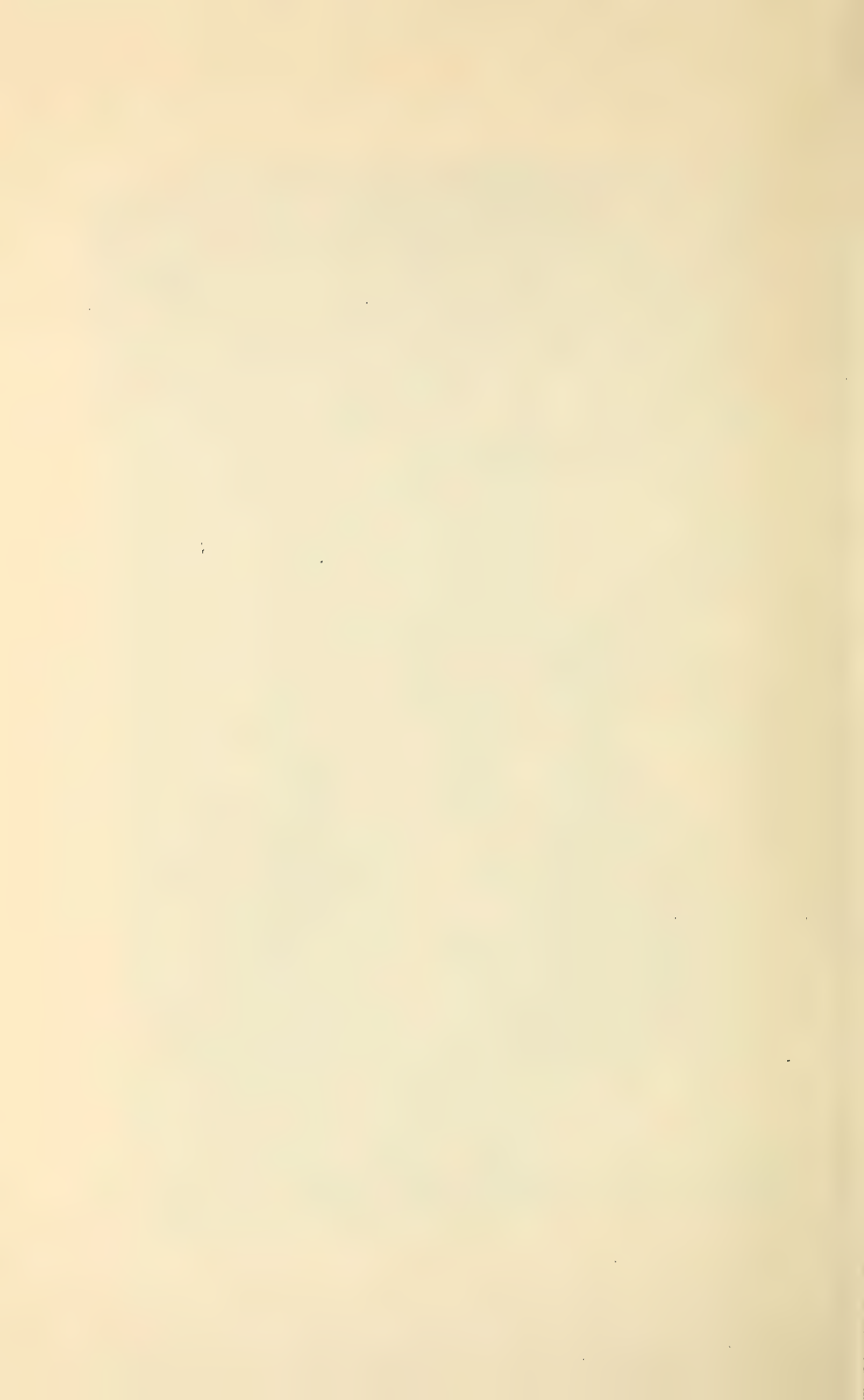
any but the stoutest hearts, but this people had met successfully perils equally great, and they were not discouraged by the dangers that threatened from every side.





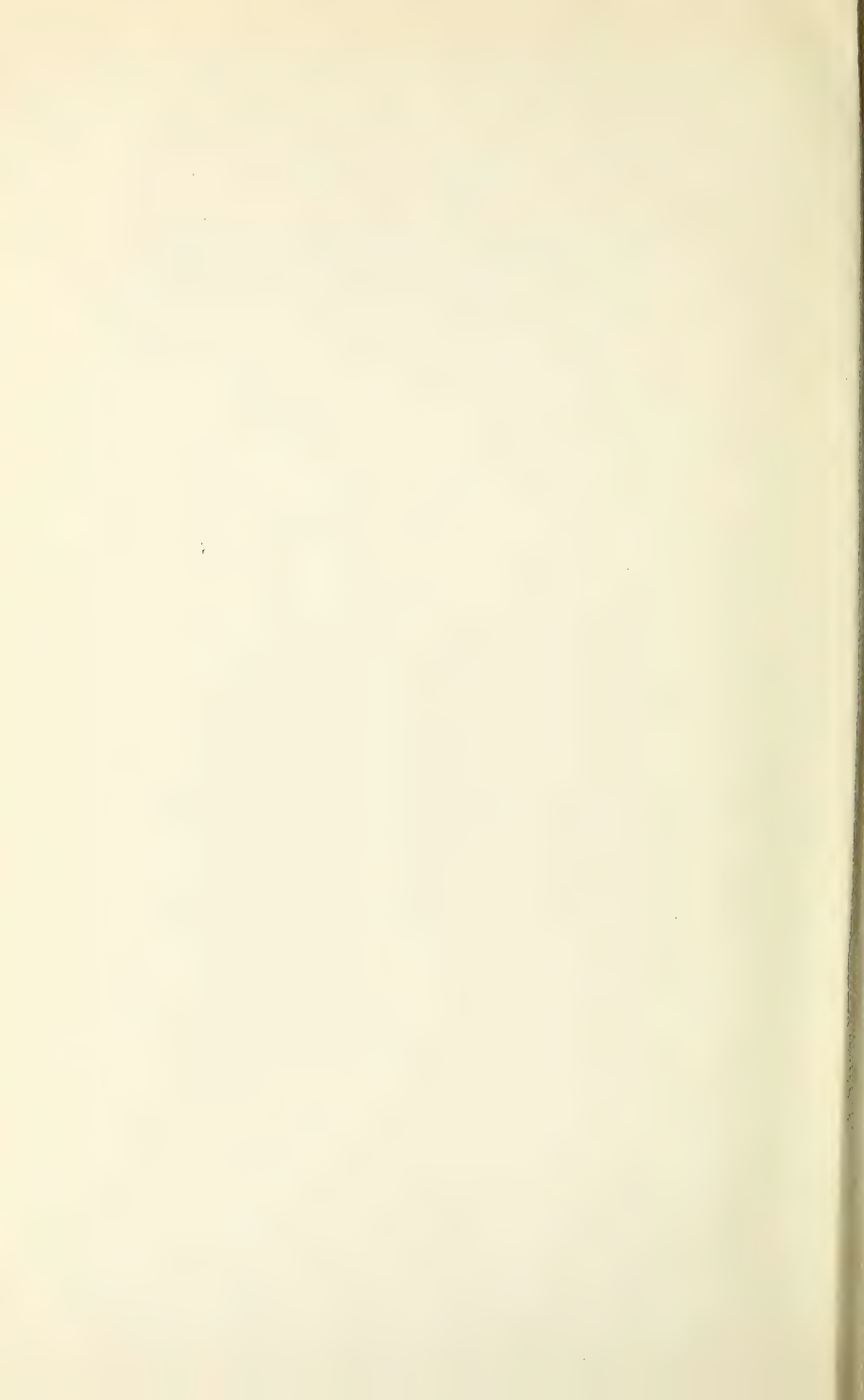


Home of Thomas Chittenden at Arlington



## CHAPTER XXII

### LATER MILITARY OPERATIONS





**B**EFORE a State government was organized in Vermont, military operations were carried on largely under the direction of a Board of War, or Council of Safety. Among the first acts of the first Legislature were several measures relating to the conduct of the war. Major Fletcher, Lieut. Thomas Jewett and Capt. John G. Bayley were appointed a committee to devise measures for raising men to defend the frontiers of the State. Seth Warner was appointed a Brigadier General and Samuel Fletcher was made a Brigade Major. The pay of the soldiers was increased to four pounds a month. It was voted to place certain Tories in close confinement, and the Council was empowered to dispose of Tory estates and to deposit in the State treasury the money received from the sale of such lands. At the session of the Legislature held in June, 1778, it was voted to comply with the request of General Stark that a subaltern and twenty men be raised to guard the stores at Bennington; that a guard of one hundred men from Colonel Bedel's regiment be sent to guard the frontiers on the west side of the Green Mountains; that a sixth part of the militia south of Danby and Pawlet be sent immediately to guard the frontiers of the State; that twenty men be raised to guard the frontiers "from White River to Strafford and Corinth, to the lakes, etc."; that four pounds and forty shillings be allowed each soldier; that Col. Peter Olcott, Bezaleel Woodward, Major Griswold, Patterson Piermont and Major Taylor be appointed Judges of the Superior Court "for the banishment of Tories, etc."; that a committee be ap-

pointed to see what should be done with Tory women and children.

At the third legislative session held in 1778, it was voted to pay all Vermont men, commissioned officers and soldiers raised for defence "for the present campaign," fifty shillings per month in addition to the amount paid by the Continental Congress. From time to time other laws were enacted relative to the conduct of the war so far as it related to Vermont. Upon the organization of the State government in 1778, Rutland was selected as headquarters for the Vermont troops and Capt. Gideon Brownson was appointed commander of the forces stationed there. A fort was built of unhewn hemlock logs, or pickets, the lower end set in a trench five feet deep, standing fifteen feet above ground, and sharpened at the top. Between these pickets, on the inside of the fort, logs standing eight feet high were set upright. The fort was elliptical in form, and enclosed two acres or more. There were plank gates on the east and west sides, and a wicket gate used by occupants going out to draw water from Otter Creek. In the northwest corner stood a blockhouse of hewn logs, thirty by forty feet in size, two stories high, the upper story projecting two feet, with horizontal and perpendicular portholes. Sentry boxes were erected in the northeast and southwest corners, officers' barracks on the north side and soldiers' barracks on the south side. The accommodations were sufficient for a force of two hundred or three hundred men. Fort Ranger, as it was called, continued to be the headquarters of the State troops until the presence of a British force on Lake Champlain in

1781 caused a transfer to Castleton. The fort never was attacked, with the exception of a few shots fired at sentries by Indians or Tories.

In March, 1779, the Governor and Council took up the duties of the Board of War, Matthew Lyon being chosen secretary of the board.

Before taking up the military events of the later years of the Revolution in Vermont, it is proper to refer to the captivity and release of Ethan Allen. After his capture at Montreal, in 1775, he was ordered on board the schooner of war *Gaspee*, was loaded with irons, some of them weighing about thirty pounds, and was confined to the lowest and vilest part of the ship, where a guard with fixed bayonets watched over him day and night. The Captain was given positive orders to treat Allen with severity. Here he was visited from time to time by enemies who insulted him, but in a war of words Allen was well able to hold his own, notwithstanding his bonds. On one occasion, in a fit of anger, he twisted off with his teeth a nail which held the bar of a handcuff, after which the irons were fastened with padlocks. After a stay of six weeks Allen was transferred from the *Gaspee* to another armed vessel near Quebec commanded by Captain Littlejohn, who removed his irons and entertained him in the cabin.

After a few days Allen and his fellow prisoners were transferred again to the *Adamant*, where they were placed under the authority of Brook Watson, a London merchant, who had been conducted to the Canadian border by Ira Allen in June, 1775, after professing to be a friend of America. A company of Tories took

passage on this ship and great bitterness was shown by them toward the prisoners. Thirty-four men handcuffed were thrust into a small and filthy dungeon. Before Allen was put into this prison he was insulted by a Tory Lieutenant, who spat in his face. Allen sprang at him and struck him in spite of his irons, the officer retreating to the protection of the soldiers' bayonets. For forty days the prisoners were confined in this dark and loathsome dungeon.

The ship landed a few days before Christmas at Falmouth, England, not far from Land's End, where great crowds were assembled, the officers being obliged with their swords to force a passage for Allen and his companions, who were taken to Pendennis Castle. Allen was well treated by Lieutenant Hamilton, the commandant of the castle, who sent him every day "a fine breakfast and dinner from his own table and a bottle of good wine." A letter written by the captor of Ticonderoga, concerning his treatment and relating to retaliation upon British prisoners, addressed to the Continental Congress, was sent to Lord North, which was just what Allen desired. People came from miles around to see the prisoners, who were allowed to walk in the castle grounds, and on such occasions Allen discussed American affairs with his visitors. His stay in England was brief. On January 8, 1776, the prisoners were ordered on board the frigate *Solebay*, commanded by Captain Symonds. This ship, with several other men of war, Sir Peter Parker and Earl Cornwallis being on board, and about forty transports carrying troops to America, rendezvoused at Cork, Ireland, to take on provisions



and water. Here some Irish merchants "and other benevolently disposed gentlemen," learning that Allen and his fellow prisoners were on board the *Solebay*, sent each man a suit of clothes, overcoat and two shirts. Allen received a suit of superfine broadcloth, eight fine Holland shirts, silk and worsted hose, shoes and two beaver hats, one richly laced with gold. These Irish gentlemen also sent Allen a variety of wines and spirits, loaf and brown sugar, tea and chocolate, fruit, a large round of pickled beef and a number of fat turkeys. In commenting on this gift, Allen remarked that not only was he supplied "with the necessaries and conveniences of life, but with the grandeurs and superfluities of it." An offer of fifty guineas was refused, but seven guineas were accepted. In a note to his benefactors Allen wrote: "I received your generous presents this day with a joyful heart. Thanks to God there are still the feelings of humanity in the worthy citizens of Cork towards those of their bone and flesh, who, through misfortune from the present broils in the empire are needy prisoners."

Captain Symonds was not pleased with these demonstrations and swore roundly that the American rebels should not be feasted in such manner by Irish rebels. All the liquors were taken, except those that were secreted, and some of the provisions were confiscated for the use of the ship's crew. The fleet, consisting of forty-five ships, including five men of war, sailed from Cork on February 12.

Allen's return voyage was much more comfortable than his trip to England, although the Captain was

rough in his manner. After a short stay at Madeira, the fleet arrived at Cape Fear, North Carolina, on May 3. One prisoner died on the way over and one swam ashore and escaped. After remaining here about three weeks the prisoners were transferred to the frigate *Mercury*, which sailed for Halifax. Capt. James Montague treated the Americans with great severity, forbidding the surgeon to care for the sick. The Captain informed Allen frequently that hanging awaited him at Halifax. The ship anchored off New York, where Governor Tryon and Attorney General Kempe, old opponents of the Green Mountain leader, came on board.

Halifax was reached about the middle of June. Here the prisoners were confined on board a sloop, under guard, and were given very scant rations. Although several of the prisoners were violently ill of scurvy, medical aid was refused. Allen sent letter after letter to Captain Montague, protesting against such treatment, without result. Finally a guard smuggled a letter to Governor Arbuthnot, which resulted in an investigation, and the prisoners were removed to Halifax jail about the middle of August after being confined on the prison sloop about six weeks. A fellow prisoner here, whose company Allen enjoyed, was James Lovell, a member of the Continental Congress from Massachusetts. Although a kind woman of Halifax sent Allen every day a good dinner of fresh meats and fruits, illness reduced his strength.

About the middle of October the prisoners were ordered on board a warship. Captain Smith treated

Allen with great courtesy and invited him to dine at the Captain's table. During the voyage a proposal was made to kill the Captain and principal officers and seize the ship, but Allen declared that he would defend Captain Smith, and the conspiracy was dropped. New York was reached the latter part of October, but it was nearly a month later when the prisoners were taken ashore. Allen was admitted to parole and was restricted to the limits of the city of New York. A regular diet and exercise in six months' time restored him to a fair degree of health.

During his stay in New York a British officer informed Allen that Sir William Howe was disposed to make him Colonel of a regiment of Loyalists; that he might go to England and be introduced to Lord Germaine and probably to the King; that he should be paid in hard guineas instead of paper rags; and that he should have a grant of a large tract of land. Allen replied that he viewed the offer to be like that which the devil made to Christ, to give him all the kingdoms of the world if he would worship him, "when at the same time the damned soul had not one foot of land upon earth." Allen was arrested on August 25, 1777, on the charge of infringing his parole, and was thrown into the provost jail, where he was subjected to many indignities.

As early as December 2, 1775, the Continental Congress directed General Washington to apply to General Howe, asking for an exchange of prisoners in order to secure the release of Ethan Allen. On December 18, 1775, Washington wrote General Howe in the following vigorous manner: "We have just been informed of a

circumstance, which, were it not so well authenticated, I should scarcely think credible. It is that Colonel Allen, who (with his small party) was defeated and taken prisoner near Montreal, has been treated without regard to decency, humanity or the rules of war; that he has been thrown into irons, and suffers all the hardships inflicted upon a common felon. I think it my duty, sir, to demand and do expect from you an *eclaircissement* on this subject; at the same time I flatter myself, from the character which Mr. Howe bears, as a man of honour, gentleman and soldier, that my demand will meet with his approbation. I must take the liberty, also, of informing you that I shall consider your silence as a confirmation of the truth of the report, and further assuring you that whatever treatment Colonel Allen receives, whatever fate he undergoes, such exactly shall be the treatment and fate of Brigadier Prescott now in our hands." General Prescott had been made a prisoner immediately after the capture of Montreal.

Writing to General Schuyler the same day on which he wrote General Howe, Washington said: "I am much concerned for Mr. Allen, and that he should be treated with such severity. I beg that you will have the matter and manner of his treatment strictly inquired into, and transmit me an account of the same, and whether General Prescott was active and instrumental in occasioning it. From your letter, and General Montgomery's to you, I am led to think he was. If so he is deserving of our particular notice, and should experience some marks of your resentment for his cruelty to



these gentlemen, and his violations of the rights of humanity.”

Levi Allen wrote General Washington from Salisbury, January 27, 1776, telling of efforts to obtain evidence concerning the treatment of his brother Ethan. British prisoners in Connecticut and neighboring colonies feared to give information, having been charged by General Prescott and other officers on pain of death not to mention the fact that Allen had been put in irons. Levi asked if it would be expedient for him to go to England *incognito*, and if money might be advanced for that purpose, remarking that “my brother was a man blessed with more fortitude than fortune.” If he could get to England he thought he might raise a mob in London, bribe the jailer, or, securing employment with the keeper of the prison, be able to lay his hand on the key some night. Levi could muster more than one hundred pounds of his own property, and added: “Shall regard spending that no more than one copper. Your Excellency must know Allen was not only a brother but a real friend.—(I) cannot live without going to England if my brother is sent there.”

Later Levi Allen petitioned Congress for an immediate exchange of his brother and the prisoners taken with him, saying that he was a prisoner on board the British fleet, alluding to “the wretched state, worse than death, into which he hath fallen in defence of his injured country.” Levi’s devotion to his brother Ethan seems pathetic when one reads Ethan’s complaint against Levi, dated at Arlington, January 9, 1779, asking that the

latter's property be confiscated on the ground that he was a Tory.

Washington wrote Howe on July 30, 1776, saying that Congress "had particularly mentioned the exchange of Colonel Ethan Allen for any officer of the same or equal rank." On August 8, 1776, Allen wrote from Halifax a letter addressed to the Connecticut Assembly, which he succeeded in getting through the lines and from which the following extract is taken: "The fear of retaliation has been the sole cause of preserving me from an ignominious death. I have suffered everything short of it. Imagination is insufficient to paint the evils, nor shall I here attempt it. The heavy big irons and handcuffs so benumbed my limbs that I expected to have lost their use; but on the eighth of January last, having been released of them, I have recovered my health and suppleness of limbs, and ardently desire to be with you, as I am fired with adequate indignation to revenge both my own and my country's wrongs. I am experimentally certain I have fortitude sufficient to face the invaders of America in the place of danger spread with all the horrors of war. I am apprehensive that Governor Tryon and sundry of my old land jobbing combatants from New York exercise their influence to detain me a prisoner, hoping a conquest of America may in future put it into the power of the English government to proceed against me as a criminal for taking the fortresses on Lake Champlain. You are sensible my confidence in presuming upon these achievements are predicated on the good faith of Connecticut. I have never repented that I did it; and inasmuch as this is the

colony in which I received my first breath and in which most of my acquaintance and connections are, have addressed these lines to Your Honors, and further assure you, provided you can hit upon some measures to procure my liberty, I will appropriate my remaining days and freely hazard my life in the service of the colony and in maintaining the American empire. I thought to have enrolled my name in the list of illustrious American heroes, but was nipped in the bud. News has been kept as close as possible from me. I have nothing more to inform than that the King's officers express less assurance of the conquest of America than they did some time ago. I have great confidence in the unity, bravery and strength of the Colonies as everything worth living for is apparently at stake. Never had any people upon earth greater inducement to fight, and play the man. You cannot—nay you must not give over the cause, though you have to wade through seas of blood."

Allen was confined in the provost jail at New York for nearly a year. On May 3, 1778, he was removed from jail and three days later he was exchanged for Col. Alexander Campbell of the British Army. He was taken to Elizabethtown Point, and to quote his own language, "in a transport of joy landed on liberty ground." Accompanied by Colonel Sheldon he visited General Washington's headquarters at Valley Forge, where he offered his further services as soon as his impaired health would permit, and obtained permission to return home. After being courteously received he departed in company with General Gates, who treated him "with the generosity of a lord." On the evening of

the last day of May, 1778, Ethan Allen arrived at Bennington and was welcomed with great joy, as it had been feared that he was dead. A salute of three guns was fired that evening, and the next morning by order of Colonel Herrick, fourteen more guns were fired, notwithstanding a great scarcity of powder, thirteen for the United States and one for Vermont. The cannon used on this occasion was the iron six-pounder brought from East Hoosick in 1772 when the Green Mountain Boys prepared to resist an anticipated attack by General Tryon. The first day of June was an occasion of great rejoicing and the people from the surrounding towns flocked in to greet their former leader.

After Allen's visit to General Washington, the latter wrote to the President of Congress: "I have been happy in the exchange and a visit from Lieut. Col. Allen. His fortitude and firmness seem to have placed him out of the reach of misfortune. There is an original something about him that commands admiration; and his long captivity and sufferings have only served to increase, if possible, his enthusiastic zeal. He appears very desirous of rendering his services to the States and of being employed; and at the same time he does not discover any ambition for high rank. Congress will herewith receive a letter from him, and I doubt not they will make such provision for him as they may think proper and suitable." Acting upon this suggestion, on May 14, Congress resolved "that a brevet commission of Colonel be granted to Ethan Allen in reward of his fortitude, firmness and zeal in the cause of his country,



manifested during the course of his long and cruel captivity, as well as on former occasions.”

In May, 1777, a party of thirteen Tories passed through or near Pittsford on the way to Canada to join the British. Capt. James Bentley and twenty-one others determined to capture them. Approaching the place in Monkton where the Tories were encamped, Bentley's detachment waited until their enemies slept, then rushed upon them with a great noise and made them all prisoners. The next day a court was convened at Neshobe (Brandon), the trial lasting two and one-half days, the prisoners being sentenced to be delivered to the American garrison at Ticonderoga, where they were taken by Captain Bentley and his detachment.

After the battle of Hubbardton, the men of Pittsford erected a log fort on the eastern bank of Otter Creek. A high breastwork of hemlock logs placed endwise in the ground inclosed an area of about three-fourths of an acre. A corner of this fortification extended into the channel of the creek, supplying the occupants with plenty of water. A log dwelling in the center of the inclosure was utilized as a blockhouse. In 1778 the State repaired and strengthened the fortification, which was known later as Fort Mott, the name being given in honor of John Mott, its commandant. This region had been a favorite Indian hunting ground, and bands of Tories and Indians frequently visited Pittsford.

In September, 1777, John and Joseph Rowley, boys aged respectively eleven and fifteen years, were seized in Pittsford by Indians and carried to Canada. A few days later Thomas and Gideon Sheldon of the same

town were returning from the field with a load of grain, when they were attacked and captured by the Indians. The house was plundered and the entreaties of the mother for the release of her sons were unavailing. The house of Felix Powell was attacked in the night, while he was absent. Mrs. Powell, suspecting that Indians were near, had secreted herself in the thicket nearby, from which place she witnessed the plundering and burning of her home. Amid such surroundings, before morning, Mrs. Powell gave birth to a child.

As a result of these outrages, acting upon the advice of some of the influential citizens of the towns of Wallingford, Clarendon, Rutland and Pittsford, a company of sixty men was raised in Clarendon and vicinity, commanded by Capt. Abraham Salisbury. This company went to Pittsford October 17, 1777, remaining there eight days. Early in 1778 nearly all the able bodied men of Pittsford were organized into a company of militia, under Capt. Benjamin Cooley, which became a part of the Fifth regiment, commanded by Col. Gideon Warren.

For the protection of settlers in Maidstone, Guildhall and Lunenburg, and other towns on the New Hampshire side of the Connecticut River, known as the Upper Coos, three small forts were built, two at Northumberland, N. H., and one at Stratford, N. H. These forts were under the command of Capt. Ward Bayley of Maidstone. When an alarm was given, the women and children fled to the forts. Owing to his active opposition to Indians and Tories, an attempt was made to capture Captain Bayley, but without success. A few pris-

oners were taken to Canada who suffered much from hunger on the march.

On request of General Stark, an order was issued in January, 1778, to Capt. Samuel Robinson, Overseer of Tories, "to detail ten effective men under proper officers," to march in two files, beating and treading the snow from Bennington through the pass of the Green Mountains to the residence of Col. William Williams in Draper (Wilmington), making a road of sufficient width for sleighs.

A reference in the proceedings of the Council of Safety, dated February 28, 1778, shows that a scout of about twenty-four men had been assigned for the protection of the people of the northern frontiers. On March 5 the Council voted to raise two companies of fifty men each in response to an appeal from the frontier inhabitants near Lake Champlain and Otter Creek. On the following day Capt. Ebenezer Allen was directed to raise men with all possible dispatch, presumably a part of the force authorized March 5, and march thence to a fort in New Haven, possibly one erected during the trouble with New York. Scouts were ordered to reconnoitre the woods, and reports were to be made from time to time to the Colonel or the commander of the Northern Department.

Among the early settlers of the town of Shelburne was Moses Pierson, who had remained on his farm after most of the other proprietors on the northern frontier had sought safety farther south. He had harvested his wheat during the summer of 1777, but had removed his family to Orwell for safety. Toward the end of the

winter, the Pierson family returned to Shelburne to thresh the wheat, and learning of threatened danger from a marauding expedition from Canada, Mr. Pierson notified the military authorities, who sent Capt. Thomas Sawyer of Clarendon, two officers and fourteen men as a guard. The farm house was built of hewn logs and provided with portholes. Upon his arrival Captain Sawyer, learning that a hostile band had been seen in the vicinity, proceeded to barricade the house and only one window was left unsecured. In the early morning hours of the next day, March 12, 1778, an attack was made by a party of Indians and Tories, said to number about sixty. At the first fire Joshua Woodward of Pittsford and Samuel Daniels of Salisbury, who had come to Shelburne to buy wheat, were killed by bullets, which entered through the one unfortified window. The house was set on fire by the enemy, and in an attempt to extinguish the flames, Lieut. Barnabas Barnum of Monkton was mortally wounded. A second time the house was set on fire and Captain Sawyer offered his watch as a reward to any person who would extinguish the flames. The supply of water was exhausted but Joseph Williams broke a hole through the roof and put out the fire with pails of beer from a supply which Mrs. Pierson had brewed. About daylight the enemy abandoned the attack and retreated over the ice of Lake Champlain, several of their party having been killed. A British Captain, whose name is said to have been Larama, and an Indian chief were among the number, some of the bodies being thrown into a crack in the ice near Logan's Point. Captain Sawyer took the



nose jewels, the powder horn and the bullet pouch of the dead chieftain as trophies. The Vermont records show that one John Stearns was paid for eighteen days' labor in caring for five men wounded in the Shelburne battle. During the engagement Mrs. Pierson and four children were lying in two beds in the house and were unharmed. The British authorities offered a reward for Moses Pierson, dead or alive, but he removed to Shoreham and Rutland and did not return to Shelburne until 1783.

In November, 1778, a British force entered Lake Champlain from Canada and ravaged towns along the shore as far as Ticonderoga. A party of British, Tories and Indians visited Pittsford, but the people of that town had been warned and had assembled at Fort Mott, where preparations were made for a vigorous resistance. Some houses were attacked and Col. Gideon Warren's regiment was called out for a service of about one week in defending the frontiers.

The disastrous Canadian expedition of 1775-1776 did not deter many Americans from desiring to make another attempt to capture the northern province. General Stark was chosen by Congress on December 3, 1777, to command a secret expedition, having as one of its objects the destruction of the British shipping on Lake Champlain or at St. Johns. Soon after plans were made for an "irruption into Canada," and General Lafayette was selected for the command. General McDougall was to accompany him if his health permitted, and if not Baron DeKalb was to be associated with Lafayette.

Six French gentlemen were appointed to act as officers of any Canadian forces that might be enlisted.

Through Col. Udney Hay, Vermont was requested to raise men and on January 24, 1778, a bounty of ten dollars was offered to encourage raising three hundred soldiers under Lieutenant Colonel Herrick "for a certain expedition." Plans were made early in February, 1778, to raise six regiments under Colonels Moses Robinson, Timothy Brownson, James Mead, Joseph Marsh, Peter Olcott and William Williams. Three hundred men under Colonel Herrick were to serve until the last day of April. Twenty-five sleighs were to be furnished and assistance was to be given in the collection of hay and provisions and the transportation of flour. An order was issued on February 25 to desist raising more soldiers, as it was reported that the Canadian expedition had been abandoned. Lafayette went to Albany, N. Y., on February 17, where he found that conditions did not warrant an offensive movement.

The Vermont troops raised were needed for the defence of the frontiers, and Capts. Isaac Clark and Ebenezer Allen was assigned to guard the northern frontiers. Captain Allen was ordered on March 6, 1778, to raise men and post them at the New Haven fort, possibly the blockhouse at the falls of Otter Creek built by the Green Mountain Boys in 1773, and scouts were ordered out to reconnoitre for the enemy. About the middle of February a "little scout," sent down the lake by order of General Stark, was captured. In April, 1778, Warner's regiment was ordered to Albany and the frontier was left with no regular troops for protection.

A stockaded fort covering about two acres was built at Rutland with a two-story blockhouse at one end of the inclosure.

Gen. Jacob Bayley of Newbury was not willing to abandon the idea of a Canadian invasion. He sent Colonel Bedel with several companions into Canada on October 13, 1778, to gain information concerning existing conditions. The scouts reported their belief that the inhabitants would rise and throw off the British yoke if a force could be sent sufficiently large to afford protection. Preparations were begun at once for another Canadian expedition and military stores were collected at Haverhill, N. H., and at Newbury.

A party was sent to Peacham in December, 1778, to resume the building of the military road to Canada, where General Bayley abandoned the work in 1776. Col. Moses Hazen was ordered to move his military stores to Peacham. A considerable portion of Bedel's regiment and Whitcomb's Rangers were sent to Peacham and began work in May, 1779. A blockhouse was built there, and as the building of the road proceeded, other blockhouses were built at Cabot, Walden and Greensboro. Swamps were bridged with logs, and wells were dug. Work was discontinued late in August, 1779, probably because it was reported that troops were to be sent from St. Johns to capture the construction party. Garrisons were stationed in the blockhouses along this road from time to time, as occasion demanded, until the end of the war. It has been supposed by some writers that the building of this road was a stratagem to deceive the British and prevent the

sending of troops from Canada to New York. It is more probable, however, that the road was built for military purposes as a part of a plan to invade Quebec.

According to Miller and Wells' "History of Ryegate," the Bayley-Hazen road began at Wells River in the town of Newbury and proceeded thence to Ryegate Corner, to Peacham Corner, through the southwest part of Danville into Cabot, over Cabot Plain, between Joe's and Molly's Ponds into Walden, thence into Hardwick, crossing the Lamoille River by way of Hardwick street to Greensboro, between Caspian Lake and Ely's Pond to Craftsbury Common, thence west of Hosmer Pond along the east side of Lowell Mountain to Lowell village, west by Walker's Pond, through the southwestern part of Westfield to the summit of a notch in Westfield Mountain, fifty-four miles from the starting point. The town of Walden was named in honor of an officer who was left in command of a blockhouse erected there. General Bayley did not abandon the idea of invading Canada and he wrote to General Washington frequently in regard to the project.

The Governor and Council, acting as a Board of War, on March 12, 1779, issued an order declaring that "the north line of Castleton, the north and west lines of Pittsford to the foot of the Green Mountains, be and is hereby established a line between the inhabitants of this State and the enemy,—and all the inhabitants of this State living to the north of said line are directed and ordered to move with their families and effects within said lines." It was recommended that both Castleton and Pittsford erect a picket fort near the center of each



town. Fort Ranger in Rutland was the headquarters for military operations and its commandant was Capt. Thomas Sawyer.

In October, 1779, the Legislature elected as a Board of War, Governor Chittenden, Ira Allen, Joseph Bowker, Ebenezer Allen, Joseph Bradley, Samuel Fletcher, Benjamin Wait, Jonathan Fassett and Timothy Brownson. In the spring of 1780 the Board of War ordered that a fort large enough to accommodate one hundred and fifty men should be built near the north line of Pittsford, and that a picket fort should be built at Hubbardton with barracks for seventy-five men.

In November, 1779, another Indian raid occurred, which affords an illustration of the hardships endured by the pioneers during the Revolution. The houses of Capt. Thomas Tuttle and Joseph Barker, and a sawmill in Brandon were burned by a party of the enemy from Canada, Mr. Barker being taken prisoner.

Left alone with a child fourteen months old, Mrs. Barker started for the home of a friend three miles distant. Night having fallen, she was compelled to stop for shelter at a deserted house, where two years before two neighbors had been killed by the savages. Here, in this lonely and gruesome place, not knowing whether her husband was alive or dead, with no companion but a babe scarcely more than a year old, she gave birth to a child. The next day a searching party headed by Mrs. Barker's father found her, and with her children, she was taken to a place of safety. Mr. Barker, feigning illness, escaped and soon joined his family.

In May, 1780, Sir John Johnson with a party of Tories and Indians, made a raid into the Mohawk valley. Governor Clinton hastened to Lake George to intercept him and called on the Vermont officials for aid. Capt. Ebenezer Allen and two hundred men at once responded. They assembled at Mount Independence on Lake Champlain, but lacking boats could proceed no farther. Johnson, however, returned by way of Crown Point and avoided the American troops. On August 9, 1780, a party of twenty-one Indians attacked Barnard and captured three prisoners.

Early in October Major Carleton came up the lake from St. Johns with eight large vessels and one thousand regulars, Loyalists and Indians, to create a diversion in favor of Johnson, who attacked the Schoharie and Mohawk regions. Captain Johnson, with about eighty of Warner's regiment, held Fort George. Being nearly destitute of supplies, he sent a messenger on October 11 to Fort Edward for provisions. This messenger was fired upon by a party of twenty-five men, but returned to the fort in safety. Supposing this to be a scouting party, Chipman sent out all but fourteen of his men. They met the enemy not far from the fort and nearly every man was killed or captured. After a short resistance Fort George was taken and Fort Ann also was captured. This attack caused the greatest alarm in the Champlain valley. The Vermont militia was ordered to rendezvous at Castleton and Gen. Ethan Allen was elected commander. The British, however, kept on the west side of Lake Champlain and soon returned to Canada. With the removal of immediate danger, the

militia and volunteers were discharged. From a storehouse at Center Rutland, ammunition and provisions were distributed to forts at East Rutland, Castleton and Pittsford.

Early in 1780 the exportation of wheat, rye, Indian corn, flour, meal, beef, pork, or any other provisions, was forbidden, except for military purposes. On October 9 of that year, in order to raise funds for the defence of the State, the General Assembly made arrangements for selling unsettled and ungranted portions of the territory. The first grant made was the town of Montpelier, destined to become the capital of the new commonwealth.

In the autumn of 1780 a raiding party of three hundred men was organized in Canada, its purpose being to attack Newbury and capture Lieut. Benjamin Whitcomb of that town, who, in 1776, while in command of a scout on the Sorel River, had mortally wounded General Gordon of the British army, as the latter was riding from Chambly to St. Johns, and had taken his watch and sword. Several unsuccessful attempts had been made to capture Whitcomb, but it was believed that a better opportunity now was afforded. A man named Hamilton, who had been taken prisoner by the Americans and had been at Newbury and Royalton the previous summer on parole, having fled to Canada, was engaged as guide. A British Lieutenant named Horton was in command, and a Canadian named La Motte was next in authority. All but seven of the party were Indians.

Early in October, Capt. Nehemiah Lovewell of Newbury, who had been sent with a company of rangers to garrison the blockhouses at Peacham and Cabot and guard the Bayley-Hazen road, while scouting near the Lamoille River discovered this party of Indian invaders proceeding in a southerly direction through the woods. Sending out his fleetest runners, a warning was given to the Connecticut River towns. Many of the people of Newbury fled to Haverhill, N. H. Wells, in his "History of Newbury," says: "The alarm reached Newbury after dark, and that night was one the like of which this town has never seen since. People left their homes as they were, the fires burning, their bread in the ovens, their suppers untasted, and fled for their lives. Some few retained presence of mind to secrete their most valuable possessions. The wife of Capt. John G. Bayley lowered all her crockery and silver spoons into the well. Mrs. Ebenezer Eaton \* \* \* hid her spoons and her husband's knee buckles so well that she was never able to find them again."

The militia turned out from Bath to Charlestown, on the New Hampshire side of the Connecticut, and in a day or two people returned to their homes. Meanwhile the party of Indians followed the Winooski valley as far as the present site of Montpelier. Here they encountered Jacob Fowler of Newbury and one or two companions who were hunting. Fowler was considered a Tory and told Lieutenant Horton that Newbury had been alarmed and that the militia had assembled. An attack upon Hanover, N. H., was considered, but was abandoned on account of high water in the Connecticut



River. Passing through Barre, Orange, Washington and Chelsea, Tunbridge was reached Saturday night, October 14. The Indians remained in camp here over Sunday, and early Monday morning, October 16, 1780, before daylight, they attacked and plundered the house of John Hutchinson, taking him and his brother Abijah prisoners. Going a little farther, Thomas Pember and Elias Button were killed by spear thrusts and were scalped. Several prisoners were taken at the homes of Joseph Kneeland and Elias Curtis.

By this time the alarm was given and the road was filled with fleeing men, women and children. Some, mounted upon horses, made their escape, while others were captured. Phineas Parkhurst, on horseback, carried a woman and her little daughter to a place of safety, then returned to assist others. A bullet from an Indian's gun passed through his body and lodged under the skin. Grasping the bullet between his thumb and fingers he galloped down the White River valley, giving warning of the raid and crossed the ferry to Lebanon, where his wound was dressed.

The Indians burned one house in Tunbridge, several houses in Randolph, twenty-one in Royalton and sixteen new barns filled with hay and grain. About one hundred and fifty cattle and many sheep and swine were killed and thirty horses were taken together with plunder from the homes of the farmers. Twenty-six prisoners were captured.

News of the raid spread rapidly, considering the limited means of communication, and by evening a force of two hundred and fifty or three hundred men

assembled at the house of Mr. Evans in Randolph and chose Col. John House of Hanover, N. H., as their commander. The Indians had crossed the Tunbridge hills and encamped near the second branch of the White River, about ten miles from the Royalton settlement. They had sent back an aged man with a message to the militia declaring that "if they were not followed the prisoners should be used well—but should they be pursued every one of them should be put to death."

It was supposed that the Indians had gone to Brookfield, and about midnight the Americans started, hoping that they might reach that place before morning and capture the whole party. Colonel House and his men hardly had started when they were fired upon by the rear guard of the enemy, and one of the party was wounded. The Americans returned the fire, killing one of the enemy and wounding two others. Here Colonel House halted his force and waited for morning. The Indians abandoned most of the horses and much of their plunder and fled over the hills. Two prisoners, Joseph Kneeland and Giles Gibbs were killed at this camp. Proceeding up the second branch of the White River into Brookfield, and failing to find the enemy, the troops were disbanded and sent home. The retreating Indians passed through Brookfield and Northfield to the Winoo-ski River, which was followed to its mouth. The prisoners were taken to Montreal and sold for about eight dollars each. Most of them were exchanged and returned home the following summer. Colonel House was criticized for his failure to act promptly in pursuing the Indians. During the summer of 1781 a blockhouse

was erected at Royalton. A monument on the village green at Royalton commemorates the burning of the homes of this little settlement.

During the years 1781 and 1782 there were many "alarms," caused by the raids of small parties of Indians and Tories and a considerable body of troops was employed in guarding the frontier. Several small block-houses were built, among them fortifications at Corinth and Barnet, others along the Bayley-Hazen Road and some in the region known as Upper Coos. During part of this period a daily patrol was maintained between various posts. In the summer of 1782 an unsuccessful attempt was made to capture Gen. Jacob Bayley of Newbury by a small party commanded by Captain Pritchard. One resident of Newbury was wounded, a few prisoners were taken and several inhabitants of Corinth were forced to swear allegiance to the British King. It is said that the losses which General Bayley sustained amounted to not less than sixty thousand dollars. He sacrificed his entire estate, and died a poor man.

The comparative freedom of the Coos country from Indian raids is reported to have been due to the influence of Joseph Brant, a powerful Mohawk chieftain, who was educated in President Wheelock's Indian School at Hanover, N. H.

In June, 1781, a band of Caughnawaga Indians under a chieftain known as Tomo, planned an attack on Fort Vengeance in Pittsford. Their presence, however, had been discovered, and an ambuscade was planned which threw the Indians into confusion and they fled, abandoning the attack. Early in August General Stark was

placed in command of the Northern department with headquarters at Saratoga, and he kept in constant touch with the military authorities of Vermont, a fact not at all to the liking of Governor Clinton of New York.

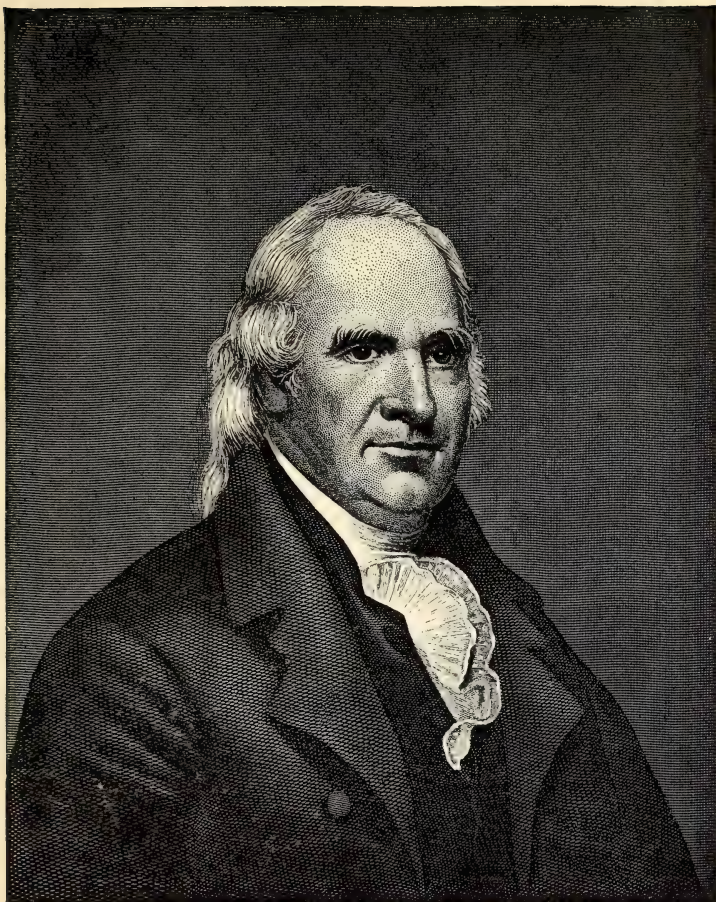
It was feared in 1782 that the large British force in Canada would invade the northern frontier, and in February the Legislature ordered the raising of three hundred men to garrison the frontier posts.

In July, 1781, a British blockhouse was erected on what is known as Dutchman's Point on North Hero island by Capt. Justus Sherwood and a party of twenty-three men and boys. Sherwood had been a Tory leader during the war and as such had figured in the battle of Hubbardton. He was an officer of a corps known as the Queen's Loyal Rangers, recruited from American Loyalists who had fled to Canada. He left his home in New Haven, Vt., in 1776, going to St. Johns. Later he was granted a tract of one thousand acres near Brockville, Canada.

This new fort was used during the last year or two of the war as the headquarters of a secret corps of observation under Captain Sherwood and as a stopping place for Loyalists on their way to Canada, and made as little trouble as a garrison could under such circumstances. The blockhouse was held by the British long after the close of the war and was not evacuated until the summer of 1796. The garrison was scrupulously careful not to offend the people in the vicinity after hostilities had ceased.

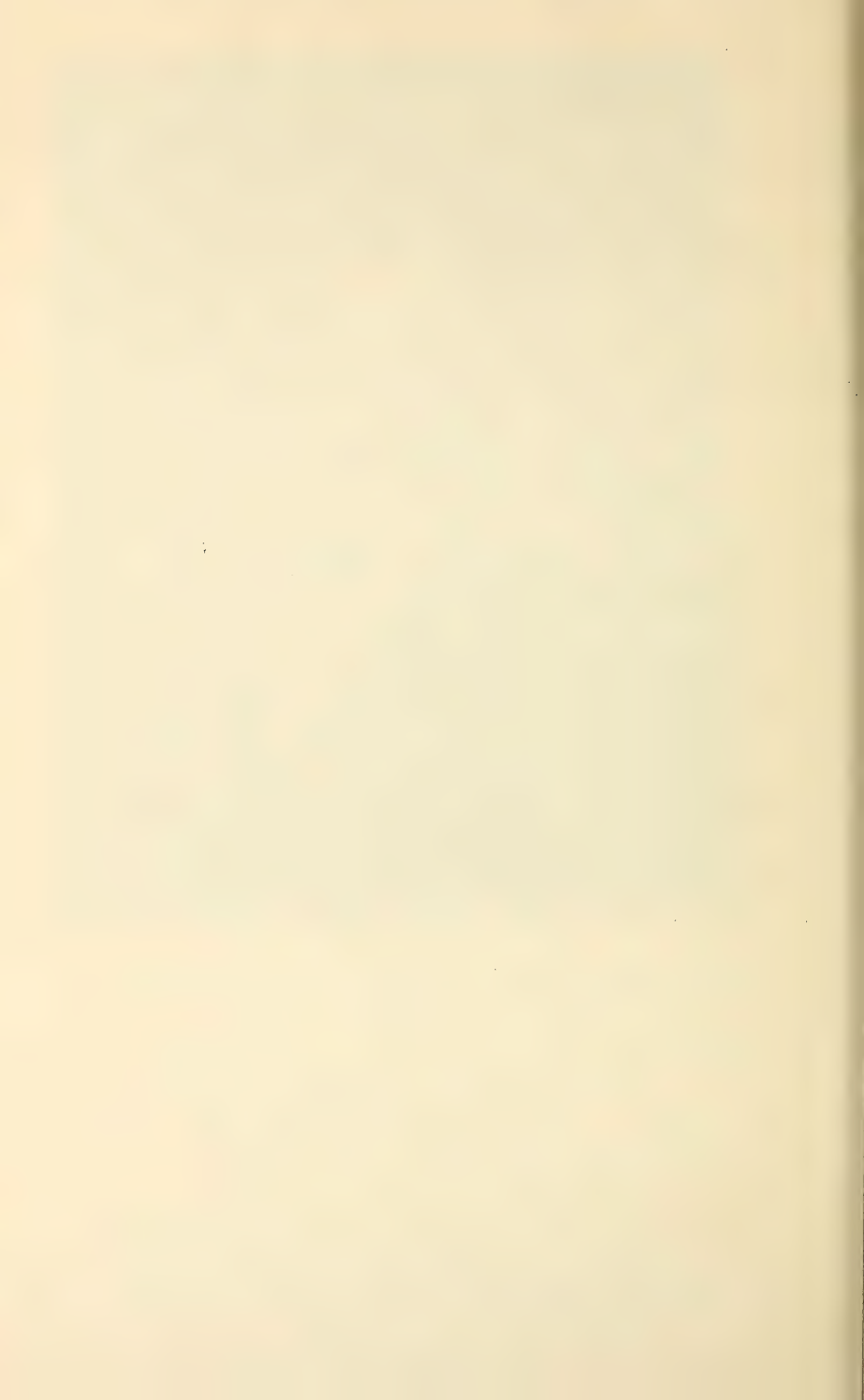
A large part of the service of Vermont men during the Revolutionary War was for short periods. They were





*Engr. by William Newell*

Gov. George Clinton of New York,  
Leader of the opposition to Vermont's admission to the Union



called out for some definite task, responding to an "alarm," and when the immediate danger had passed, they were discharged and returned to protect their homes and cultivate their farms. The companies and the regiments were small and the number of officers sometimes appears to have been disproportionately large.

"The Vermont Revolutionary Rolls," compiled by the authority of the State by Prof. J. E. Goodrich, gives the principal officers commanding Vermont troops during the War for Independence as follows: Brigadier Generals, Ethan Allen, Jacob Bayley, Roger Enos, Moses Hazen, Peter Olcott, Joseph Safford; Colonels, John Abbott, Ebenezer Allen, Ira Allen, Timothy Bedel, Stephen R. Bradley, James Claghorn, Isaac Clark, Cornelius Doty, Samuel Fletcher, Samuel Herrick, Robert Johnson, Thomas Johnson, Thomas Lee,—Lyon, Joel Marsh, Joseph Marsh,—Marshall, James Mead, Moses Robinson, John Sargeant, Benjamin Wait, Ebenezer Walbridge, Seth Warner, Gideon Warren,—Webster, William Williams, Ebenezer Wood.

The *Vermont Gazette*, in its edition of June 3, 1783, records the celebration at Pawlet of the news of peace between Great Britain and America. A sermon was preached by Rev. Mr. Miller and an oration was delivered by Israel Smith of Rupert, later one of Vermont's most distinguished men. There was a military parade, a salute of fourteen guns was fired and a dinner was served. Late in July General Washington visited Crown Point, as the *Gazette* says, "to view the ruins of the fortifications and judge the expediency of repairing them." In this connection it may be recalled that

earlier in the war Washington was strongly opposed to the abandonment of Crown Point in favor of Ticonderoga. No mention is made of a visit to Vermont by Washington. At this time Baron Steuben is said to have made a tour through the Champlain valley to view the most proper places for establishing garrisons on the frontiers.

It is impossible to make anything like an accurate estimate of the number of Tories or Loyalists in Vermont. In most of the townships the friends of the new American government constituted a large majority of the population, but in a few of them the Tories predominated. The Dorset Convention voted on July 24, 1776, "that as it appears that the inhabitants of Arlington are principally Tories, yet the friends of liberty are ordered to warn a meeting and choose a committee of safety and conduct as in other towns." There was a large Tory population in Guilford, and for several years this faction contended with the Whigs for control of the town. There were frequent collisions and each faction when in power endeavored to deprive its rivals of the right of suffrage. Probably the Tories constituted a majority of the people of Clarendon, where most of the friends of New York were British sympathizers and took protection papers from General Burgoyne. A large number of towns contained a minority of Loyalists; and as in other States, so in Vermont, these people often were numbered among the most prosperous and influential citizens. Daniel Chipman, who was associated with some of the Vermont leaders of the Revolutionary period, has said: "A less proportion of Tories were



found among them (the people of the New Hampshire Grants) than were found in other States." As a result of arrests, acts of confiscation and the open hostility of their republican neighbors, many of the Loyalists left the State, most of them going to Canada, where some of them were granted lands by the crown. In an act relating to Tories, passed by the Vermont Legislature, reference is made to one hundred and eight persons who had left the State voluntarily. This act provided that if any of the persons mentioned returned to the State voluntarily they should receive not more than forty and not less than twenty stripes on the naked back and be ordered to quit the State immediately. If any person, after conviction, should remain in the State one month "or presume to come again into this State," the death penalty might be imposed.

In July, 1783, the British Parliament appointed a commission of five members to classify the losses and services of the American Loyalists, more than five thousand of whom had submitted claims for compensation. In "The Loyalists in the American Revolution," Van Tyne gives as the most complete list to be obtained of the claims admitted by the commissioners, a total of two thousand, five hundred and sixty, more than one-third of which came from New York. There were sixty-one claimants in Vermont.

Naturally the hostility between Whigs and Tories engendered a spirit of bitterness and vindictiveness that sometimes resulted in bloodshed. It is related in a sketch of Danby that a few of the people in that town who were considered Tories were shot near their own

homes. A vote adopted at a town meeting held in Newbury, June 3, 1783, read as follows: "No person that hath joyned the Enemy shall have any abidence in this town, and any person that shall harbor or feed them shall get the Displeasure of the town by so doing." Although Vermont adopted stern measures with the Tories, yet an examination of laws enacted and orders issued during the Revolutionary period will show many acts of leniency toward the families of Loyalists, in protecting the needy from destitution and in aiding such people to cultivate their farms, when only the husband and father had fled. After peace was declared the general policy of Vermont leaders was one of conciliation.

One of the most conspicuous figures among Vermont Loyalists was Crean Brush, a native of Ireland, who came to New York in 1762. In 1771 he removed to Westminster, having acquired large tracts of lands by grant from New York in the region now known as Vermont. He was made clerk of Cumberland county in 1772 and from 1773 to 1775 he was an active member of the New York Assembly. He joined General Gage at Boston soon after the Revolutionary War began and had charge of the property in the buildings seized by the British authorities as winter quarters for the officers and troops. He became involved in difficulties through illegal seizure of goods and was confined in jail. He had married the widow of a British officer and she impersonated him in jail and enabled him to escape. He fled to New York but did not gain favor there and committed suicide. A daughter of Mrs. Brush, the child of

her first husband, became the second wife of Ethan Allen.

Justus Sherwood was proprietor's clerk in the town of New Haven from 1774 to 1776 and removed to Shaftsbury. As he was an avowed Loyalist, he was punished as such at Bennington. He was so exasperated that he raised a company of Tories and joined the British army in Canada. His activities in the battle of Hubbardton already have been related. D. P. Thompson made him one of his principal characters in "The Green Mountain Boys."

John Peters was one of the early settlers in Bradford, or Mooretown, as it was then called, being Moderator of its first town meeting. He became clerk of Cumberland county and a Judge of the Superior Court of Common Pleas. He was a devoted Loyalist and his property was confiscated. He fled to Nova Scotia with his family and raised a body of troops called the Queen's Loyal Rangers, which he commanded. He led a detachment of Tories in the battle of Bennington.

Luke Knowlton, the first Town Clerk of Newfane, and a prominent citizen, was a friend of the British cause. According to "Hemenway's Gazetteer," "in consequence of the great sacrifices he made in behalf of the British Government in the early part of the Revolutionary War, he received a large and valuable grant of land in Lower Canada upon a part of which the present town of Sherbrooke is built." Although he did not go to Canada to reside permanently, some of his family did and his descendants became prominent men in the Dominion. Later Knowlton held positions of honor in

Vermont, was a member of the Legislature, a Judge of the courts and a member of the Council.

Noah Sabin of Putney was a Judge of Cumberland County Court under New York jurisdiction and was one of the occupants of the bench at the time of the Westminster Massacre. On account of his Loyalist sympathies, the Committee of Safety, in 1776, ordered that he be confined to the limits of his farm and permission was given any person to shoot him if he disobeyed the order. So bitter was the feeling against him that some of his neighbors secreted themselves in the woods nearby with loaded rifles and watched Judge Sabin's movements. In 1781 he was elected Judge of Probate, but was suspended on complaint of certain persons who considered him a dangerous Loyalist. Later he was reinstated.

In Hayes' "History of Rockingham" reference is made to a protest signed by about fifty of the people of that town to the election of Noah Sabin as Judge of Probate, John Bridgman, Luke Knowlton and Benjamin Burt as County Court Judges and Jonathan Hunt as High Sheriff. These men were called "friends of ministerial Tyranny and Usurpation, who until within a few days had been avowed Enemies to all authority save that Derived from the Crown of Great Britain." The signers declared that they could see no difference "between being halled to Great Britain for Tryal or being Tried by these Tools amongst our Selves." Their protests were not heeded, and it is intimated that Governor Chittenden considered it wise to conciliate the Tory element in this State.



Jehiel Hawley of Arlington was known as "the father of the town" and was a man of much influence and had been prominent in the resistance to New York authority. He was considered a Loyalist and late in the year 1777 he left for Canada, but died on the way. His residence was occupied by Governor Chittenden.

John Munro of Shaftsbury, one of the most violent partisans of New York in the land controversy, was a Loyalist. His lands and property were confiscated "except two cows and such other effects" as were needed for the support of his family. Col. William Marsh of Dorset was not originally a Loyalist, but when Burgoyne captured Ticonderoga, Marsh and others became panic stricken, and with a number of avowed Tories, went to Canada. His property was confiscated and this included certain lands in Burlington which were sold to Ethan Allen, on which he spent the last years of his life. Later Colonel Marsh was permitted to return. Daniel Marsh of Clarendon had a similar experience. After his return he represented his town in the Legislature. The Council of Censors severely censured the General Assembly which restored to Daniel Marsh his property.

Capt. Ebenezer Willoughby of Windsor, a member of the Convention held in June, 1777, later joined the British. He was captured and his property was confiscated. Col. Asa Porter and Col. John Taplin of Newbury were Loyalists. The former is said to have owned the greater part of the town of Topsham and large tracts in Newbury. His property was confiscated and to reimburse him for his losses and sufferings, he

received from the Crown the township of Broome, Quebec. One of his granddaughters became the wife of Rufus Choate. It is said that the Tories of Newbury and Haverhill, N. H., plotted ceaselessly against the American cause.

Asa Baldwin, the first Town Clerk of Dorset, was a Loyalist, and a man of education and culture. His property was confiscated and he was compelled to leave the State. Later his property was restored and he became one of the most respected and useful citizens of Dorset. The first Town Clerk of Arlington was a British sympathizer also, and fled to Canada. Samuel Adams of Arlington formed a company of Tories in his own town, Manchester, Sandgate and vicinity, to aid General Burgoyne.

John McNeal of Tinmouth, an innkeeper, was a Loyalist. His farm was confiscated and its sale is said to have put more money into the State treasury than any other taken in this manner, because, unlike many of those sold, it was free from debt. Lands owned in Hartland by Whitehead Hicks, at one time Mayor of New York City, were confiscated. His holdings amounted to one thousand, four hundred and twenty-two acres and those owned by one of the Stuyvesants, also confiscated, amounted to one thousand, four hundred and eighty-eight acres. For the sale of these lands the State received £1,118.

Some of the Dutch residents of Pownal were Loyalists. The first proprietor's clerk in Rupert was a Loyalist. When Burgoyne approached Ticonderoga most of the inhabitants of Rupert fled and for two or three years

thereafter the town was largely in the possession of British and Tories. A party of six or eight Tories attempted to capture Maj. Gideon Ormsby of Manchester, but not finding him at home made his son a prisoner. A rescuing party pursued and recaptured the young man. In 1780 most of the British and Tories left this region. During this period many families were compelled to abandon their homes as a matter of personal safety. In not a few instances lands temporarily vacated were occupied by squatters. Such occupancy naturally resulted in quarrels and litigation, and a spirit of bitterness was engendered. The intense hostility toward Loyalists is illustrated by the fact that these squatters almost invariably characterized as Tories those who sought to oust them.

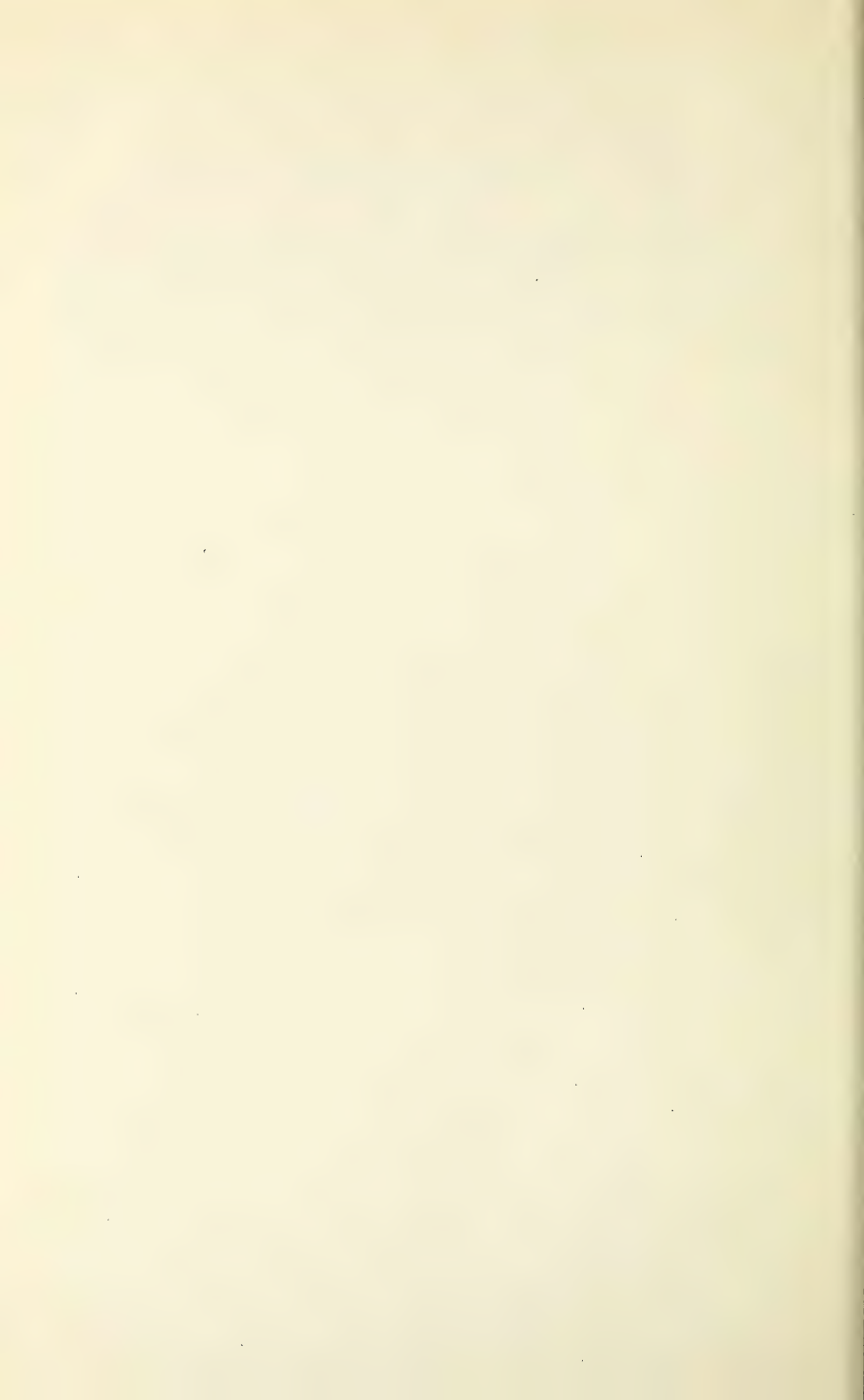
It is true that many of the Loyalists were exemplary citizens and leaders in their respective communities. It is true that they suffered great hardships for principles in which they firmly believed. So many years have elapsed since these events occurred that it is possible to review them dispassionately. Indeed, there is a tendency in some quarters to blame the American people of that early day for the bitterness shown toward those who were loyal to the King. It must not be forgotten, however, when the evidence is weighed in seeking to arrive at a just verdict, that the success of the Loyalist cause meant the defeat of American independence, severe punishment and perhaps death for the leaders who sought to establish a free government, and the confiscation of much of the property held by those who followed the standard set up by George Washington.

When men are fighting for their homes, their liberty and their lives, they are likely to deal in stern and summary fashion with their enemies. If the treatment of the Loyalists seems unjust it may not be amiss to consider what would have happened if the King's arms had been victorious.



## CHAPTER XXIII

### A STRUGGLE FOR EXISTENCE



**A**MONG the many serious troubles that menaced the existence of the new State government was the vigorous opposition of a faction in Cumberland county, which was determined to maintain the authority of New York in that portion of Vermont. At a meeting of committees representing the towns of Brattleboro, Fulham, Guilford, Hinsdale, Putney, Rockingham, Springfield, Weathersfield and Westminster, held at Brattleboro May 4, 1779, a petition was signed and forwarded to Governor Clinton, alleging that a state of anarchy existed and asking for the protection of New York. It was claimed that Vermont partisans had confiscated and sold valuable property, intimidated the citizens of New York, and brought about a situation that could not long be endured.

About this time a Captain of a Vermont militia company, residing in Putney, ordered Capt. James Clay and two other persons, claiming to be citizens of New York, to provide a man to go into service to guard the frontiers. This service having been refused a substitute was secured, and the expense was charged to Captain Clay and his associates. As they declined to pay the charges, two cows were seized and ordered to be sold. On April 28, the day appointed for the sale, nearly one hundred New York partisans under the leadership of Col. Eleazer Patterson took possession of the cattle and returned them to their owners. Fearing that this might not be the end of the matter, Colonel Patterson reported the affair to Governor Clinton, informing him that Colonel Fletcher of Vermont had gone to Arlington, presumably to secure assistance to enforce the

authority of the new State. He suggested, therefore, the necessity of having the militia of Albany county held in readiness to attack the Vermonters if the latter should attempt to enforce their authority in Cumberland county. Patterson claimed to have nearly five hundred officers and men under his command, poorly armed and equipped. Governor Clinton replied, urging firmness and prudence and no submission to Vermont authority unless the alternative was "inevitable ruin," desiring to take no further step until the sentiment of Congress could be learned.

Colonel Patterson's suspicions were well founded, and the Vermont Council in May ordered Ethan Allen to engage one hundred volunteers in Bennington county, and march them across the Green Mountains to assist the Sheriff in enforcing the civil authority of Vermont.

In a report made to Governor Clinton by Samuel Minott, chairman of the Cumberland county committee favorable to New York, it appears that Allen and a party of Green Mountain Boys appeared in the county on May 24, well armed and equipped, and made prisoners of Colonel Patterson, Lieutenant Colonel Sargent, all the militia officers in Brattleboro with one exception, the militia officers in Putney and Westminster and some other persons. The letter, after alluding to the critical situation of the people, urged that speedy and effectual relief be sent, adding: "Otherwise our persons and property must be at the disposal of Ethan Allen, which is more to be dreaded than death with all its terrors."

Clinton threatened to send the greater part of one thousand men raised for the defence of the frontiers, to



Brattleboro, for the protection of that and adjacent towns unless the interposition of Congress should render such a step unnecessary. The New York delegates on May 22 had introduced a series of resolutions in Congress which provided that the extent of boundaries of the thirteen States should be considered the same as those of the thirteen colonies, and that "no part of any one of them should be permitted to separate therefrom, and become independent thereof, without the express consent and approbation of such State." These resolutions, together with a letter from Governor Clinton concerning the Cumberland county disturbance, were taken up in committee of the whole on June 1. After discussion, resolutions were adopted "almost unanimously," most of the New England members supporting them, that a committee be appointed to visit the New Hampshire Grants, confer with the inhabitants, and learn the reasons why the people of that district refused to acknowledge the authority of New York. It was declared that "as Congress are in duty bound on the one hand to preserve inviolate the rights of the several States; so on the other, they will always be careful to provide that the justice due to the States does not interfere with the justice which may be due to individuals." These nicely balanced resolutions really committed Congress to nothing definite, and there was no particular reason for opposition from members who had been friendly to Vermont. On the following day the committee was appointed consisting of Oliver Ellsworth and Jesse Root of Connecticut, Timothy Edwards of Massa-

chusetts, John Witherspoon of New Jersey and Samuel Atlee of Pennsylvania.

Meanwhile Governor Clinton was protesting vigorously against the fact that Congress had "passed over in profound silence" his remonstrance against the arrest and imprisonment of the New York officers in Cumberland county, and intimating that the Vermont leaders had received encouragement from several members of Congress. He wrote General Washington early in June complaining because Congress had not adopted measures which would have relieved New York "from the cruel necessity" which seemed likely to compel the State to oppose force with force. He requested that six brass cannon belonging to the State be returned and intimated that the flour the Legislature had authorized him to collect might be needed elsewhere, and that the militia intended for the Continental forces might have to be employed in supporting the authority of the State.

The Cumberland county officers arrested by Vermont authority were released without a fine, after being cautioned against further offences, as it was considered a wise policy to be lenient in meting out punishment, the power of the new commonwealth having been demonstrated. Ethan Allen's expedition into Cumberland county resulted in the arrest of several "gentlemen of property and great respectability," who were partisans of New York. They were confined in prison at Westminster and an unsuccessful attempt was made by their friends to raise the militia of New Hampshire to rescue them. Although the prisoners, under the Vermont law, might have been chastised with forty stripes save one,

they were dismissed after small fines had been imposed, and the jurisdiction of a Vermont court had been acknowledged. Ira Allen is authority for the statement that "this lenient measure established the power and laws of Vermont in the hearts of the people, and made such an impression on the minds of the late prisoners that within two years they filled some of the first offices of that State." Governor Chittenden also issued a general pardon, comprehensive in its terms, designed to cover offences committed in Cumberland county.

Only two members of the Congressional Committee, Doctor Witherspoon and Colonel Atlee, visited Vermont. That they were in Bennington on June 23 is indicated by a letter written by them on that date to Samuel Minott, leader of the New York party in Cumberland county, in which it was requested that his followers voluntarily raise their full proportion of men, when a call was issued, either by the Continental officers or the new State, until special directions were received from Governor Clinton. Governor Chittenden, it was said, had promised not to molest them until matters in dispute were settled, quiet and order were maintained and the requests of the Committee of Congress were honored. Among the questions propounded to Governor Chittenden by the committee on June 24, was one asking if the people would be willing to acknowledge the jurisdiction of New York provided their landed property were secured. He replied that they were in the fullest sense as unwilling to be under the jurisdiction of New York as they could imagine America would be to submit to the power of Great Britain.

The two members of the Congressional Committee who visited Vermont presented a written report to Congress on July 13, stating that they had been treated with great courtesy and respect by the people whom they had visited, and that they had been assured by all with whom they had consulted that there was no intention of breaking the union of States or giving encouragement to the common enemy. This was not considered an official report, as a majority of the committee did not participate in the investigation.

Shortly before the visit of Messrs. Witherspoon and Atlee, the Governor and Council, having received information concerning the attitude of Congress, which was not altogether to their liking, authorized Ethan Allen and Jonas Fay to proceed to Philadelphia. This visit resulted in an address to Congress, presented July 2, and the dissemination of information concerning the Cumberland county episode. A second delegation was sent to Philadelphia toward the end of July, consisting of Jonas Fay and Paul Spooner, who secured copies of all papers of importance relating to the Vermont controversy, together with reports and resolutions bearing on the general topic. Governor Chittenden addressed a letter to Congress, dated August 5, protesting against the attitude assumed by that body concerning the Cumberland county arrests without hearing both parties engaged in the controversy. After pointing out the fact that certain men in that county had taken advantage of the dispute between Vermont and New York "to screen themselves from service," he alluded to Governor Clinton's threat to order out the militia, saying like



orders had been issued to the Vermont militia. To this he added the following statement, which shows clearly the determination of Vermonters never to submit to New York: "Notwithstanding I am far from countenancing a measure so disagreeable in its nature, yet the free born citizens of this State can never so far degrade the dignity of human nature, or relinquish any part of the glorious spirit of patriotism, which has hitherto distinguished them in every conflict with the unrelenting and long continued tyranny of designing men, as tamely to submit to his (Governor Clinton's) mandates, or even to be intimidated by a challenge from him."

The New York committee in Cumberland county, in a petition to Congress dated July 23, 1779, declared that the subjects of New York upon the New Hampshire Grants since the outbreak of the Revolution had "endured the most complete anarchy possible," and "besides had to contend with disorderly, headstrong men, who endeavored to exercise an usurped authority over them." It was conceded that grievances had been suffered under the royal government of New York, but the claim was made that the new government had redressed these grievances as soon as they were pointed out. It was asserted that if the independence of Vermont were recognized, those who had maintained allegiance to New York would be compelled to sell their property and remove to some other State; therefore the petitioners prayed that the authority of New York might be upheld by Congress.

Early in September the New York delegates, under the leadership of John Jay, laid before Congress certain instructions from the Legislature relative to the Vermont controversy and endeavored to secure speedy and favorable action. Congress adopted a series of resolutions on September 24 which, after calling attention to the fact that animosities aroused over the dispute in the New Hampshire Grants had "risen so high as to endanger the internal peace of the United States," earnestly recommended that the States of New Hampshire, Massachusetts and New York pass laws expressly authorizing Congress to decide all differences or disputes relative to jurisdiction in the district aforesaid, so that that body might take up the matter of determining the boundaries not later than February 1, 1780. It was recommended that the three States mentioned should suspend any attempts to execute their laws in the disputed territory over those who did not accept such jurisdiction. It was also declared to be the opinion of Congress that no unappropriated lands or estates in the district which had been or might be forfeited or confiscated, ought to be granted or sold until a final decision should be rendered in the matter in dispute.

John Jay, in writing Governor Clinton in regard to the resolutions adopted, informed him that Vermont was made a party to the proceedings in order that "the candor and moderation of Congress may be rescued from aspersions and that the people, after having been fully heard, may have nothing to say or complain of, in case the decision of Congress be against them, of which I have no doubt."

If Congress supposed that the people of the New Hampshire Grants had struggled all these years to maintain their rights, and had succeeded in establishing and maintaining a State Government, only to submit quietly to the restrictions imposed by these recommendations, then that body woefully misjudged the spirit of the Green Mountain Boys. When the Vermont Legislature assembled at Manchester on the second Thursday of October, 1779, there was much doubt in the minds of many members concerning the wisest course of action for Vermont to follow, but there was no idea of yielding to New York. Ira Allen, in writing of this period, said: "The influence of Congress at that time was great, being considered as the pillar of liberty, and their advice was deemed a law. The friends of New York exulted, and doubled their exertions against Vermont. When the Assembly convened nine-tenths were for suspending the sale of confiscated property, and the granting of lands till after the first of February, the time assigned by Congress to examine into the disputes and differences; but a few saw the design of the New York junto was to cut off the resources and to prevent migrations of persons from other States; who became internal friends. They saw also if they submitted to one decree of Congress against the interest of Vermont, the same influence of the junto would prevail in Congress to annihilate the existence of Vermont as a State. Moreover, they knew themselves not to be under the control of Congress, having no representative in that body; and, finally, by the union of States Congress was not authorized to interfere with the internal police of any State in the Union.

How, then, could they interfere with Vermont, which was out of the Union?

A committee of four, headed by Ethan Allen, was chosen by the Assembly to join a similar committee selected by the Council to outline a plan to be pursued relative to the action taken by Congress. On October 20 the Assembly and Council met in joint session, sitting as a committee of the whole, to discuss the situation; and on the following day it was resolved unanimously, "That it is the opinion of this committee that this State ought to support their right to independence, at Congress, and to the world, in the character of a free and independent State." This report was agreed to without opposition. It was also decided "to make grants of all or any part of the unappropriated lands" within the jurisdiction of the State that did not interfere with grants already made.

On the same day Ethan Allen was selected as an agent to visit the Legislature of Massachusetts, and Ira Allen was chosen in a similar capacity to present Vermont's side of the controversy to the States of New Jersey, Pennsylvania, Delaware and Maryland. A resolution was adopted providing that five persons should be chosen by ballot to appear before Congress, February 1, 1780, as representatives of Vermont, and they were authorized to vindicate the right of the State to independence. These agents, or any three of them, were empowered to settle articles of union and confederation with the United States. The agents chosen were Ethan Allen, Jonas Fay, Paul Spooner, Stephen R. Bradley and Moses Robinson. When Ira Allen was chosen as agent



to visit the four States mentioned he was instructed to furnish the Assemblies of these commonwealths with copies of Ethan Allen's "Vindication." This document, pointed by Alden Spooner in 1779, was entitled "A Vindication of the Opposition of the Inhabitants of Vermont to the Government of New York, and of Their Right to Form an Independent State." By order of the Governor and Council the "Vindication" was published, and directions were given that copies should be sent to Congress and to the General Assembly of each State and to the principal officers of the Continental Army. The document is a lengthy one, going into details concerning the long standing dispute with New York, and quoting at length from many sources already considered in this History. It is an able and forceful argument in behalf of Vermont's position, and should be studied by all who desire thoroughly to investigate the merits of the controversy between New York and Vermont.

In his pamphlet General Allen agreed that the temper and manners of the people of Vermont and New York were so different that they could not form parts of a harmonious State, saying: "A people so opposite to each other in civil, political, and we may add, religious sentiments can never subsist long under the same government." He asserted that since the time when the people of Vermont took possession of the Lake Champlain posts in May, 1775, they had considered themselves as "being virtually in union with the United States," adding "from which early period of the Revolution they have taken an active part with them, and have pursued invariably the same object, viz. liberty;

have participated in all their troubles; and with them have hazarded all that is worth living or dying for. Such a combination of interests and mutual cooperation, in securing and defending the same, constitutes the very nature and essence of union and confederation, nor can there be more than a mere formal declaration requisite to fully establish a confederation between them." Of this document John Jay wrote to Gouverneur Morris, "There is a quaintness, impudence and art in it."

In May, 1779, a young Connecticut lawyer named Stephen Row Bradley, who had risen to the rank of Major in the American Army, was admitted to the bar of the Superior Court of Vermont. Before the year had ended he had written "Vermont's Appeal to the Candid and Impartial World," one of the notable documents upon which Vermont rested her claim in the long controversy which ended with her admission as a State of the American Union. By order of the Governor and Council, dated at Arlington, December 10, 1779, this appeal was formally approved, and it was directed that it should be "published to the world." It bears the imprint of Hudson and Goodwin of Hartford, Conn.

Alluding to the fact that it was upwards of forty years since the boundaries of Massachusetts and New Hampshire were fully settled, he declared that their claims at this time were "unaccountable upon any other principle unless they think by putting in so many frightful claims they scare us to surrender to some one, rather than to run our chance of being devoured by the whole."

Taking up the dispute with New York, some of the more familiar phases were reviewed. Mr. Bradley de-

clared that New York had no shadow of claim to the territory embraced in the State of Vermont prior to the order of the King in Council, in 1764. Concerning this order he said: "Now, as we had before purchased this territory, and given a valuable consideration to the Governor of New Hampshire, who was authorized by the King of Great Britain to sell it, and acted as an agent under him when he gave grants of this very territory 'twas the same, and as binding on His Majesty in the eye of all law and reason, as if the King had sold it himself. If then the King had once sold this territory, and taken a valuable consideration, had he any right the second time to convey it away? and if he could the second time, might he not as well twenty or a hundred, and so on *ad infinitum*? and consequently there could be no security from a King." He argued, therefore, that the King had no right to convey this land already granted by a royal Governor, and that the historic order of 1764 was null and void, so far as it applied to conveying land. He further argued that the King "had in the nature of things as good a right on the 20th of July, 1764, to have subjected the Angels of God to the government of New York as he had the people of Vermont. For if he could abridge twenty thousand he could one hundred thousand and equally three millions of their liberties. And if Vermont had not a right to resist that act of oppression, America had no right to resist, but ought to submit to all the usurpations of the British crown."

After summarizing the unfair means employed by New York to deprive Vermont of her rights, he charged

the former State with bringing the controversy between the two commonwealths before Congress for decision "at a period of time when they think their State from many circumstances is become the great key of the Continent and to affront them must be very detrimental to the Confederacy." Then he added the significant words, "But let New York remember that we have a northern key as well as a southern key, and are determined to maintain and support our independence and freedom," a threat of the possibility of negotiations with the British in Canada, used later very effectively.

Mr. Bradley argued that Vermont had merited her right to independence, by brave and noble conduct during the war. The Green Mountain Boys were the first troops in America to begin an offensive war against Great Britain in the capture of Ticonderoga. He recalled the aid given in the invasion of Canada, the blow dealt Burgoyne's army at Bennington, and asserted that not one of the States at war with Great Britain, according to their numbers, had done more than Vermont for the common good.

Following another line of argument, the writer asserted that it was not for the interests of the Nation that there should be "some great, overgrown, unwieldy States," saying that New York already was large enough and adding that it was "very probable that if New York should obtain this territory, and the Green Mountain Boys submit to their aristocratical form of government, she would in time by the same spirit, overrun and ruin many of the United States." Apparently this argument was effective, as in 1782, New Jersey, Delaware and



Rhode Island favored Vermont in Congress, according to Mr. Madison, with a view "of strengthening the interests of the little States." A direct appeal was made to Congress, and a solemn protest was registered against a plan "incompatible with the fundamental principles of liberty" and "big with injustice and impiety." It was declared that Vermont could not agree to the terms of the resolutions of Congress because they were asked to give up things too sacred ever to be arbitrated; because Congress had no right to meddle with the internal police of a State or abolish its internal institutions; because Vermont existed independent of and not accountable to any of the thirteen United States; and because Vermont was not represented in Congress. The appeal declares: "We have carefully weighed the matter and can see no material difference in being dragged to Philadelphia or Great Britain, and there, untried and unheard, obliged to deliver ourselves up as victims to court pleasure."

Congress was assured that Vermont was and ever had been willing to bear her proportion of the burden and expense of the war from its beginning whenever admission was granted to the Union of States. "At the same time," the appeal declared, "we cannot be so lost to all sense and honor, or do that violence to our feelings as freemen and as Americans, that after four years' war with Great Britain, in which we have expended so much blood and treasure, we should now give up everything worth fighting for; the right of making our own laws and choosing our own form of government to the arbitrament and determination of any man or body of men under heaven."

The closing portion of this valuable document is a stirring appeal to the people of the United States. The appeal is made upon the strength of the ties of friendship, "as men who have equally suffered together from the iron rod of tyranny," and "have gone hand in hand and stood by each other in times when threatened with ruin, tyranny and death." The writer declares: "We can never believe that the present inhabitants of the United States are so lost to all feelings of humanity, benevolence and religion, that while they extend their right hands to heaven, and weary unbounded grace in praying to be delivered from British tyranny and oppression, they should with their left hands be forming shackles of slavery for their American brethren." The other States are warned that those who have "tasted the sweet of living upon the labor and sweat of tenants, like the voracious wolf will never leave till they have devoured the whole flock of American yeomanry."

Reference is made to the "black acts of outlawry and death" passed by the New York Legislature and to the necessity either of declaring the independence of Vermont or submitting to ruin, slavery and death. During nearly four years as an independent State Vermonters had fought Britons, Canadians, Hessians, Waldeckers, Dutchmen, Indians and Tories, and now they were not prepared to give up what they had fought to obtain. It was not believed that the people of the United States would submit their freedom and independence to the arbitrament of any court or referees under heaven, and if they would they were unworthy of the name of Americans.

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In closing the writer says: "We conjure you by that friendship which has so long subsisted between us, by the blood and sufferings we have exhibited in your cause, by your own honor and liberties which are at stake, to rise and crush that spirit of oppression now exercised in seeking our destruction."

The last feature of the document is a brief address to the "Commonalty" of New Hampshire, Massachusetts and New York, which declares: "Force is seldom employed with success to change the opinion or convince the minds of freemen. But admitting that you should conquer us, and affix us to any of our governments, will that enrich you? Certainly not. Will it make us better neighbors? It cannot. Will our destruction secure your liberties? By no means. What, then, will you obtain finally for all your trouble and expense, not to say bloodshed? Nothing but a conquered, depopulated territory, where every single inhabitant will be so embittered against you that you will be necessitated to keep a standing army perpetually to keep them in subjection and support government."

The powerful appeals and cogent arguments of Ethan Allen and Stephen R. Bradley undoubtedly did much to establish public opinion in favor of Vermont.

In accordance with the instructions of the General Assembly, Ira Allen visited the Legislatures of New Jersey, Pennsylvania, Delaware and Maryland, distributing pamphlets and answering questions in regard to the Vermont land controversy. At this time one of the questions before Congress was the disposition to be made of the unappropriated land in the region then

known as the West; and of the confiscated property of Loyalists. The four States visited by Colonel Allen were of the opinion that all such property taken from the enemy ought to be used for defraying the expenses of the war, rather than for the benefit of any State. Pennsylvania was the only one of the States which mentioned laying claim to Western lands of consequence and as Vermont held no title to such lands, Allen was able to assure these States that Vermont would act with them if given representation in Congress. This promise apparently strengthened the cause of the Green Mountain State. Allen submitted to the Council of Pennsylvania a statement regarding Vermont's position which was read on January 25, 1780.

Although February 1, 1780, was the day assigned by Congress for considering the claims of New York, New Hampshire and Massachusetts to the region known as Vermont, there is no record of any action taken on the subject on that day. The Vermont agents in attendance, Jonas Fay, Moses Robinson and Stephen R. Bradley, delivered a letter to President Samuel Huntington of that body, protesting against a decision made on *ex parte* evidence. The letter intimated that if given time the agents might prove that Great Britain had made a distinct government of the tract included in the State of Vermont and appointed Col. Philip Skene as its Governor. This statement is rather cautiously worded, as the agents were probably aware that the negotiations for the establishment of such a colony were stopped by the outbreak of the war. The agents further expressed their readiness to negotiate for a union



## Congress of the United States:

AT THE FIRST SESSION,

Began and held in the City of Philadelphia, on

Monday the fifth of December, one thousand

and seven hundred and ninety.

*An ACT for the Admission of the STATE of VERMONT into  
the Union.*

**T**HE State of Vermont having petitioned the Congress to be admitted a member of the United States, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared,* That on the fourth day of March, one thousand seven hundred and ninety one, the said State, by the name and title of "the State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America.

FREDERICK AUGUSTUS MÜHLENBERG,  
*Speaker of the House of Representatives.*

JOHN ADAMS, *President of the United States,  
and President of the Senate.*

Approved, February the sixteenth, 1792.

GEORGE WASHINGTON, *President of the United States.*

Done at Philadelphia the fifth of December, 1791.

Witness

*George Washington*  
*Secretary of the Senate*

Facsimile of the Act admitting Vermont as a State of the Union, and signed by President George Washington



with the States represented in Congress, and to bear a just proportion of war expenses.

On the same day, February 1, a statement was signed by Peter Olcott and Bezaleel Woodward, representing certain towns on both sides of the Connecticut River, which asserted that the fixing of the Connecticut River as a boundary would be very inconvenient for the people of that valley. It was urged that the whole of Vermont should be annexed to New Hampshire, or that if a new State were formed it should extend to the highlands on either side of the Connecticut River. This document was presented to Congress on February 7. On February 5 the Vermont agents, on the eve of departing for home, notified Congress that they must leave to attend a session of the General Assembly, and expressed a willingness to acquiesce in any requisition made by Congress not incompatible with their own internal policy.

Mr. Folsom, a New Hampshire delegate in Congress, writing to Josiah Bartlett of that State on April 17, 1780, said: "As to Vermont there were several attempts to bring the matter before Congress but without the least appearance of success. I have no expectation of any settlement till after the war is over, if I can believe the present members."

Congress resumed the consideration of the Vermont matter on June 2, 1780. After declaring that authentic evidence had been presented showing "that the people inhabiting the district of country commonly known by the name of the New Hampshire Grants, and claiming to be an independent State," had made grants of land and sales of confiscated estates, and had exercised civil

and military authority over persons in the said district claiming to be citizens and owing allegiance to the State of New York, contrary to the recommendations of Congress, it was resolved that such acts and proceedings were "highly unwarrantable and subversive of the peace and welfare of the United States." It was further resolved that as soon as nine States exclusive of New Hampshire, Massachusetts and New York, directly interested, should be represented, Congress would "proceed to hear, examine into and finally determine" the dispute concerning the jurisdiction claimed by the three States over Vermont. One week later, on June 9, nine States exclusive of those directly interested, being represented, Mr. Livingston of New York moved to take up the matter of jurisdiction relating to the New Hampshire Grants. Immediate consideration was opposed because New Hampshire's special agent was not present and could not be summoned quickly. On motion of Mr. Walton of Georgia, the second Tuesday of September was assigned for a hearing.

About this time a petition was presented to Congress, signed by Joseph Marsh, Peter Olcott and Bezaleel Woodward, a committee representing certain inhabitants on both sides of the Connecticut River, residing in the northern portion of the valley, asking for a speedy decision in regard to the jurisdiction of the New Hampshire Grants. It was declared to be the ardent wish of the petitioners that there might be a union "of the two sides of the river"; but if a new State were not admitted, annexation to New Hampshire was favored.



Replying to the resolutions adopted by Congress, June 9, 1780, Governor Chittenden, in a letter to President Samuel Huntington, dated at Bennington, July 25, informed him that the people of Vermont considered these resolutions as "subversive to the natural rights which they have to liberty and independence, as well as incompatible with the principles on which Congress governed their own right to independence." Very clearly Governor Chittenden declared that the act fixing a date for determining the matter of jurisdiction amounted to a denial of Vermont's right to existence as a free and independent State; which decision, if accepted, determined the most essential feature of the controversy. "If Vermont does not belong to some one of the interested States," argued Governor Chittenden, "Congress could have no such power, without their consent; \* \* \* for it is utterly incompatible with the rights and prerogatives of an independent State to be under the control or arbitrament of any other power."

Referring to the proposal to divide the territory of Vermont between New Hampshire and New York, he compared it to the division of Poland by Prussia, Hungary and Russia. He reminded Congress of the service Vermont had rendered in guarding the frontiers, a service appreciated by many residents of the States seeking Vermont's destruction. Having the approbation of disinterested States he considered Vermont "in a condition to maintain government." He warned Congress that if Vermonters had been deceived in this matter they were "at liberty to offer or accept terms of cessation of hostilities with Great Britain, without the approbation of any

other man or body of men." If Congress refused to recognize the independence of Vermont, but rather the usurped authority of another power, then Vermont had not "the most distant motive to continue hostilities with Great Britain and maintain an important frontier for the benefit of the United States and for no other reward than the ungrateful one of being enslaved by them."

Notwithstanding the injustice with which Vermont had been treated, the State once more offered to enter into a union with the United States. If this offer should be declined, then the same proposition would be made separately to the various State Legislatures, and Vermont would take such other measures as self preservation might justify. The position of Vermont in this crisis was summed up by Governor Chittenden in the following words: "Unjustly treated as the people over whom I preside, on the most serious and candid deliberation conceive themselves to be in this affair, yet, blessed by heaven with constancy of mind and connexions abroad, as an honest, valiant and brave people are necessitated to declare to Your Excellency, to Congress and the world, that as life, liberty and the rights of the people intrusted them by God are inseparable; so they do not expect to be justified in the eye of heaven, or that posterity would call them blessed if they should tamely surrender any part."

Governor Chittenden's letter was presented to Congress by Ira Allen and Stephen R. Bradley, together with their credentials, and a copy of Bradley's Appeal, and these documents were read on September 12. On the same day a letter from Bezaleel Woodward was read

Mohawk and prevent Washington (from) receiving supplies by the Hudson.

Haldimand communicated to Germaine on April 30, 1781, a suspicion "that Ethan Allen is endeavoring to deceive both the Congress and us."

The first formal meeting between representatives of Vermont and Great Britain was held at Isle aux Noix in the Richelieu River, just over the Canadian boundary line. The Vermont party consisted of Col. Ira Allen, Lieut. Simeon Lyman, two Sergeants and sixteen privates. According to British records Major (Isaac) Clark was chosen to accompany Colonel Allen but was detained by family matters.

The Vermont party arrived on or before May 7, the members being received courteously by Major Dundas, the commandant of the post. The first business was to settle a cartel for the exchange of prisoners and after a mutual presentation of credentials, Allen conferred with the British commissioners, Major Dundas, Captain Sherwood and George Smythe. On the following morning Allen and Sherwood went for a walk and the latter asserted that Dundas had knowledge of no business save the exchange of prisoners. This assertion, however, is hardly borne out by the British correspondence.

Allen declared on May 8 that he had not been authorized to treat concerning a union, but had been instructed by Governor Chittenden and General Allen to inform General Haldimand "that matters are not yet ripe for any permanent proposals," the people not being ready for such a change.

Allen walked and talked with Captain Sherwood on May 10, but, according to British records, the Vermont commissioner was "very cautious and intricate" in his conversation. He objected to a form of government that would not permit the people to chose their own Governor, and if they could not get a free charter "they would return to the mountains, turn savages, and fight the devil, hell and human nature at large." He intimated that when the Vermonters were ripe for proposals they could go no farther than neutrality during the war. The next day Sherwood wrote to Captain Mathews, General Haldimand's secretary, regarding his efforts to induce Allen to make definite proposals to the British authorities, saying: "He gives reasons which he refuses to sign, and then writes them himself, but still refuses to sign."

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Notwithstanding these unfavorable opinions, the negotiations continued until May 25. After the first heated arguments the conversation appears to have been more temperate. Allen was denied permission to visit General Haldimand at Quebec, and wrote him "in abstruse terms" in regard to his mission. A reply was brought by Major Lernoult, Adjutant General of the



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of prisoners, and a verbal agreement was made to the effect that "hostilities should cease between the British and those under the jurisdiction of Vermont, until after the session of the Legislature of Vermont, and until a reasonable time after; for a commissary of prisoners to come on board the *Royal George* in Lake Champlain and even longer, if prospects were satisfactory to the Commander-in-Chief. In the meantime Vermont was to consolidate her unions to weaken Congress, permit letters to pass through Vermont to and from Canada and take more prudent measures to prepare the people for a change of government.

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Great Britain, "from interest, not from loyalty"; but he added that there was a strong party in Vermont in favor of Congress "who would do anything to ruin Chittenden and the Allens." Although some of the early suspicions regarding Allen were allayed before his mission was completed, Haldimand considered it prudent to send a scout at this time "to procure a knowledge of Mr. Allen's report and behaviour upon his return to Vermont." This report was made to the Governor and Council at Sunderland. On the way thither Allen stopped at Castleton where he advised Captain Hurlburt and others to remain quietly on their farms and not to be surprised if a powerful army did not appear for the protection of the frontiers.

The General Assembly convened in the meeting house at Bennington on June 13, 1781, at a time when much suspicion was rife regarding Ira Allen's mission to Isle aux Noix. The expectation that the matter might be considered in some of its phases, or the belief that it should be investigated, brought together a considerable number of visitors. Assembled in the gallery of the Bennington meeting house were "several men of discernment" from neighboring States who desired to learn what affect Vermont's policies would have upon the American cause. There were Vermonters who suspected that something not altogether proper had been done, and among the spectators were agents from Canada, ready to carry to General Haldimand any words which might indicate that the Allens were insincere in their secret negotiations with the British authorities.

A few days after the Legislature had assembled a message was sent to the Governor and Council requesting their presence in committee of the whole to consider the subject of Colonel Allen's mission. Having accepted the invitation, Governor Chittenden declared that he had received applications from various persons for an exchange of prisoners; that he had sent Col. Ira Allen to Isle aux Noix, where he had completed his business "with difficulty"; and that no such exchange of prisoners had been made with any other State in the Northern department. Colonel Allen then was requested to make a statement regarding his expedition and the effects it produced. He replied in substance that he had been commissioned by the Governor and Council to settle a cartel with the British for an exchange of prisoners and had succeeded in his mission. Not expecting to be called on for information he had left his commission and papers at home, but offered to make a verbal explanation or to produce the papers on the following day. The latter offer being accepted he appeared before the committee of the whole the next day, made a brief explanation and read the papers. He reported that he had found among the British officers "a fervent wish for peace," and concluded with an offer to answer any question asked from the floor or the gallery. In his "History of Vermont," Colonel Allen wrote of this episode that from the papers read "it appeared that the British had shown great generosity in the business." Of the effect produced by his appearance he said: "All seemed satisfied that nothing had been done inconsistent to the interest of the States; and those who were in the



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Maj. Jonas Fay was appointed Commissary of Prisoners and in that capacity met the British commissioners, Captain Chambers being one of them, on board the *Royal George* off Dutchman's Point, a few miles south of the present international boundary line. This meeting took place either late in July or early in August, at which time the truce was extended. Captain Chambers wrote General Haldimand that this truce would enable the Vermonters "to get in their harvest in peace, whilst we reap no one kind of benefit," and he complained that Vermonters violated the terms of the truce.

Writing to Germaine on July 8, 1781, Haldimand alluded to negotiations with Governor Chittenden and Ethan Allen for the reconciliation of Vermont. He believed "the real intention of these people is to get better terms from Congress, but there may yet be a hope of success." The attitude of the British authorities during all these negotiations is summed up in the sentence just quoted.

Sir Henry Clinton wrote to General Haldimand on July 23, 1781, expressing his belief that a reunion of Vermont and the Mother Country would be "productive of happy consequences," but adding the opinion, "I have my suspicions of these people." Haldimand replied to this letter on August 2, saying that Vermont was forming magazines and raising men for the alleged purpose of defending the State against invasion. He pointed out the significant fact that Canada could not be invaded without the help or assent of Vermont, and the same obstacle prevented a Canadian invasion of the colonies by that route. He was satisfied that the people of Vermont acknowledged "a preference for Congress, provided they are admitted as a fourteenth State." He expressed his opinion of Vermont's attitude toward the Crown as follows: "If a favorable termination for Great Britain is pointed at, Vermont will become loyal and offer assistance not needed, but if the contrary she will declare for Congress. In six months she will be a respectable ally for either side." He tells of the arrival of a letter from Allen "fraught with much sincerity or much duplicity."

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On August 10 a British agent reported in regard to negotiations with Major Fay: "He professes so much honesty, accompanied by so many gestures of sincerity, that he seems to overact his part. He certainly is perfectly honest, or a perfect Jesuit: we have too much reason to fear the latter. \* \* \* We do not think Vermont expects by procrastinating to strengthen herself as a State, but we believe sincerely they desire to secure themselves this campaign from invasion of King or Congress, by spinning out the summer and autumn in truces, cartels and negotiations, by the expiration of which they expect to hear the result of the negotiation at Vienna, and other matters, by which they may be enabled to judge of the strongest side, the only motive, (we believe) by which they are influenced. \* \* \* Upon the whole it appears to us that interest, not loyalty, induces the leading men to wish a union with Canada; that about one-fifth part of the populace wish it from the same motive; near another fifth from principles of loyalty; and that the remainder are mad rebels, under very little, if any, subjection to their nominal leaders, and so accustomed to domineer over those who from any motive whatever wish favorably to the King's government that the latter dare not make known their wishes in public."

During September, 1781, previous to the twentieth of the month, a meeting of the Vermont and British com-

missioners was held at Skenesborough (Whitehall, N. Y.) for the exchange of prisoners. At this time a plan of government for Vermont was discussed, and it was agreed that it should be substantially that established by the Constitution, with the important exception that the King in Council should appoint the Governor. To the urgent desire on the part of the British agents that Vermont should declare itself a Crown colony at once, the commissioners sent by Governor Chittenden pointed out the necessity of more time in which to prepare the people for a change of government.

The suggestion also was made that General Haldimand should issue a proclamation, offering to confirm Vermont as a colony of the Crown if the State would return to her allegiance. The origin of this suggestion is attributed by each of the two negotiating parties to the other.

Haldimand wrote to Clinton on October 1 that as a result of a conference at Skenesborough with Ira Allen and Fay, his suspicions were almost if not entirely removed. No offensive operations would be carried on against Vermont in order that this protection of the frontiers "might facilitate the efforts of leading men to gain the populace in preparation for a more effectual essay in the spring."

From time to time prisoners were exchanged, an order having been issued by the Governor and Council, June 29, to the several Sheriffs to collect the British prisoners in Vermont and convey them to Castleton by July 10. One report tells of the assembling of one hundred and thirty men, women and children at Skenesborough.



Many prisoners in Canada claimed to be Vermonters in order to take advantage of these negotiations, and Haldimand reported that "some inhabitants of the neighboring States begin to retire there for safety."

Early in October, 1781, General St. Leger arrived at Ticonderoga with four gunboats, two ammunition boats, thirty bateaux and other craft, with two thousand British troops. Gen. Roger Enos was stationed at Castleton in command of the Vermont troops. General Enos and several of his officers were acquainted with the negotiations carried on with the British, and knew that no offensive operations against Vermont were intended, but in order to keep up appearances of hostilities, scouting parties were sent to Lake Champlain occasionally. One of the parties encountered a similar band sent out by the British, and shots were exchanged. As a result of this skirmish, Sergt. Archelaus Tupper, of Col. Ebenezer Walbridge's regiment was killed. Thereupon General St. Leger sent Tupper's clothing to General Enos, together with an open letter expressing regret at the occurrence and apologizing for it.

At this time the Vermont Legislature was in session at Charlestown, in that portion of New Hampshire annexed to Vermont. General Enos and Colonels Fletcher and Walbridge dispatched a messenger named Hathaway to Governor Chittenden at Charlestown with news of the arrival of St. Leger's force at Ticonderoga and incidents connected therewith. Hathaway not only conveyed the official dispatches, but as he came through the streets of Charlestown he proclaimed the news of the British commander's apology for Tupper's death.

There were plenty of men, particularly in the Connecticut valley, who were hostile to the leaders concerned in the negotiations with the British, and ready to use such an incident as that related to their disadvantage. According to Ira Allen's account of this episode, a crowd of people followed Hathaway into the large room where Governor Chittenden and others were assembled. A Major Reynolds (or Rennals) demanded of Col. Ira Allen the reason why General St. Leger was sorry that Sergeant Tupper was killed. Allen replied that he could not tell unless it was that good men were sorry when good men were killed. A heated altercation followed, during which Allen advised his opponent to go at the head of his regiment and demand the reason of St. Leger's sorrow instead of asking impertinent questions and eating the country's provisions in idleness when the frontiers were attacked. The Governor having called a private meeting of the Board of War, the dispatches were read, and new letters were prepared purporting to come from the officers stationed at Castleton but omitting an account of the British negotiations. These were read in the Assembly and the Council.

Meanwhile events were happening at Yorktown, Va., which gave the Vermonters other reasons for delay. Although General Cornwallis surrendered on October 19, it was well into November before the news reached Vermont. As late as November 18, Haldimand wrote to Germaine: "The critical situation of affairs to the southward prevents the Vermonters from declaring themselves. The minds of the populace are not prepared for the issue of the proclamation. The conduct

of Vermont will be entirely regulated by events in the Chesapeake. If fortunate, Vermont will return to her allegiance, but if not the vulgar are so infatuated with the idol Independence that nothing but unavoidable necessity will induce them to relinquish it."

Again, on November 26, Haldimand wrote to Germaine, in a letter marked "most private," that the capitulation of Cornwallis left no hope of a successful conclusion of negotiations with Vermont. The joy with which the news from Yorktown was received in the Green Mountain State is indicated in a paragraph in Haldimand's letter, which says: "The people are rioting in the excess of licentious exultation!"

The British Government was unwilling to abandon the attempt to win the allegiance of Vermont, and early in January, 1782, Germaine wrote to Haldimand that steps should be taken "to restore confidence to the Vermonsters by spring," and that the recovery of that State was "to be made a primary object of attention." One of the British commissioners dispatched a letter bearing the date of February 28, 1782, to Ira Allen by a messenger, earnestly requesting the latter to inform him "in the most candid, unreserved manner the present wishes and intentions of the people and leading men of your State respecting our former negotiations, and what effect the late catastrophe of Lord Cornwallis had upon them." He urged him to consider the uncertainties of war and the possibility that the next campaign might "wear a very different aspect." Haldimand wrote to Sir Henry Clinton on April 28 that two months previous to that date he had sent a message to Ira Allen relative

to Vermont affairs and that the messenger had been captured after destroying his dispatch. The latter alluded to the printing in a Fishkill, N. Y., newspaper of the substance of all of Haldimand's reports to Clinton regarding the Vermont negotiations, due to a betrayal of confidence, and declared: "God knows what bad effect it may have in that affair, particularly if Allen and Fay had been sincere."

The Vermont negotiations with the British could not be kept an absolute secret, particularly after the episode following the death of Sergeant Tupper. Gen. Jacob Bayley and other leading men in the Connecticut valley were ready to seize upon any apparent disloyalty to the American cause in order to prejudice public opinion against the Allens, Governor Chittenden and their associates, being more zealous, apparently for a union with New Hampshire than for the preservation of the commonwealth of Vermont. Naturally there were many who bitterly resented any negotiations with the representatives of the British Crown. General Stark, whose friendship for Vermont had aroused the hostility of New York partisans, was suspicious that all was not well, and wrote to General Washington concerning the Vermonters that "their actions and their words appear to carry a very different meaning." Even Seth Warner was suspicious of his old comrades in this affair. It is not surprising that Governor Clinton of New York should find proof of "a traitorous correspondence between the leaders of the New Hampshire Grants and the enemy," as he could hardly be considered an impartial critic. Early in 1782 General Washington wrote Gov-



ernor Chittenden concerning the negotiations with the British, saying: "I will take it for granted, as you assert it, that they were so far innocent that there never was any serious intention of joining Great Britain in their attempt to subjugate your country; but it has this certain bad tendency: it has served to give some ground to that delusive opinion of the enemy, upon which they in great measure found their hopes of success."

Although Ira Allen had a more active part in the negotiations than his brother Ethan, the latter was one of the Vermont leaders in this affair and in June, 1782, he wrote to General Haldimand: "The last refusal of Congress to admit the State into the Union has done more to awaken common people to a sense of their interest and resentment of their conduct than all which they had done before. By their own account they declare that Vermont does not and shall not belong to their confederacy; the consequence is, that they may fight their own battles. It is liberty which they are after, but they will not extend it to Vermont; therefore Vermont does not belong to the confederacy or the controversy, but are a neutral republic." He offered to meet Haldimand anywhere on Lake Champlain and closed by saying: "There is a majority in Congress and a number of the principal officers of the Continental army continually planning against me. I shall do everything in my power to render this State a British province."

In July, Ira Allen went to Canada with a request from Governor Chittenden for the release of two Vermont officers. A letter supposed to have been written by Allen to Haldimand suggested the revival of a charter

said to have been granted to Philip Skene just before the war began, for a royal province, including what is now Vermont and some of eastern New York.

The last letter of this correspondence, written to Ira Allen by direction of General Haldimand, was dated March 25, 1783. In it the fear is expressed that the "happy moment" cannot be recalled in which "the blessings of the British government can be restored"; and it was declared that the Canadian Governor "views with concern the fatal consequences approaching which he has so long and so frequently predicted, from your procrastination."

As a matter of fact the result of this "procrastination" was anything but fatal from a Vermont point of view, having accomplished abundantly and exactly what it was intended to achieve. There is no doubt that many persons in and out of Vermont viewed the Haldimand negotiations with severe disapproval and were inclined to look upon the action of the Vermont leaders in corresponding with and meeting officers of the British army, as little short of treasonable. The charges made are so serious that they deserve the fullest and fairest consideration. The theory of probabilities ought not to be ignored in the consideration of a matter which involves the good name of a State and its founders. He must read his history very superficially who thinks that these pioneer Vermonters were a type of men who could be bought or sold, bargained or delivered, by their leaders. No men in America were more radical in their devotion to liberty, or more resolute in its defence, than the Green Mountain Boys. In their capture of Ticonderoga

Mohawk and prevent Washington (from) receiving supplies by the Hudson.

Haldimand communicated to Germaine on April 30, 1781, a suspicion "that Ethan Allen is endeavoring to deceive both the Congress and us."

The first formal meeting between representatives of Vermont and Great Britain was held at Isle aux Noix in the Richelieu River, just over the Canadian boundary line. The Vermont party consisted of Col. Ira Allen, Lieut. Simeon Lyman, two Sergeants and sixteen privates. According to British records Major (Isaac) Clark was chosen to accompany Colonel Allen but was detained by family matters.

The Vermont party arrived on or before May 7, the members being received courteously by Major Dundas, the commandant of the post. The first business was to settle a cartel for the exchange of prisoners and after a mutual presentation of credentials, Allen conferred with the British commissioners, Major Dundas, Captain Sherwood and George Smythe. On the following morning Allen and Sherwood went for a walk and the latter asserted that Dundas had knowledge of no business save the exchange of prisoners. This assertion, however, is hardly borne out by the British correspondence.

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During September, 1781, previous to the twentieth of the month, a meeting of the Vermont and British com-

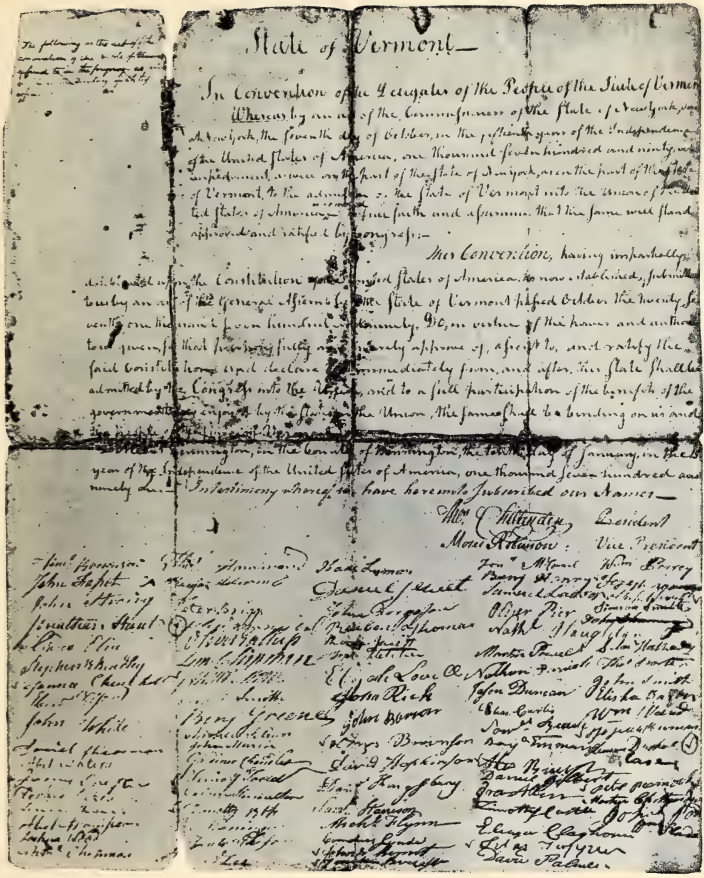
missioners was held at Skenesborough (Whitehall, N. Y.) for the exchange of prisoners. At this time a plan of government for Vermont was discussed, and it was agreed that it should be substantially that established by the Constitution, with the important exception that the King in Council should appoint the Governor. To the urgent desire on the part of the British agents that Vermont should declare itself a Crown colony at once, the commissioners sent by Governor Chittenden pointed out the necessity of more time in which to prepare the people for a change of government.

The suggestion also was made that General Haldimand should issue a proclamation, offering to confirm Vermont as a colony of the Crown if the State would return to her allegiance. The origin of this suggestion is attributed by each of the two negotiating parties to the other.

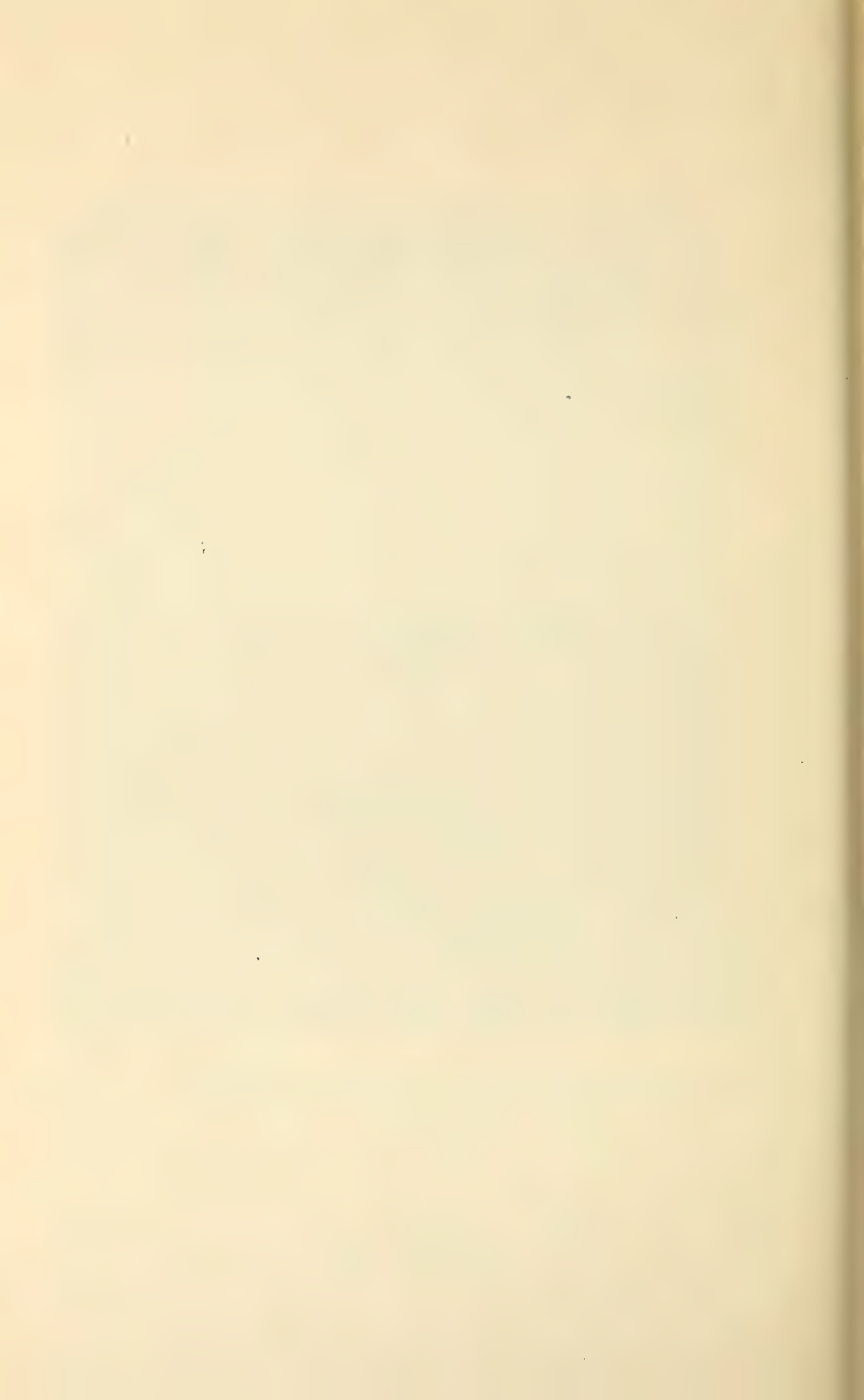
Haldimand wrote to Clinton on October 1 that as a result of a conference at Skenesborough with Ira Allen and Fay, his suspicions were almost if not entirely removed. No offensive operations would be carried on against Vermont in order that this protection of the frontiers "might facilitate the efforts of leading men to gain the populace in preparation for a more effectual essay in the spring."

From time to time prisoners were exchanged, an order having been issued by the Governor and Council, June 29, to the several Sheriffs to collect the British prisoners in Vermont and convey them to Castleton by July 10. One report tells of the assembling of one hundred and thirty men, women and children at Skenesborough.





Facsimile of the document recording Vermont's ratification of the Constitution of the United States, which was adopted at Bennington, January 10, 1791



Many prisoners in Canada claimed to be Vermonters in order to take advantage of these negotiations, and Haldimand reported that "some inhabitants of the neighboring States begin to retire there for safety."

Early in October, 1781, General St. Leger arrived at Ticonderoga with four gunboats, two ammunition boats, thirty bateaux and other craft, with two thousand British troops. Gen. Roger Enos was stationed at Castleton in command of the Vermont troops. General Enos and several of his officers were acquainted with the negotiations carried on with the British, and knew that no offensive operations against Vermont were intended, but in order to keep up appearances of hostilities, scouting parties were sent to Lake Champlain occasionally. One of the parties encountered a similar band sent out by the British, and shots were exchanged. As a result of this skirmish, Sergt. Archelaus Tupper, of Col. Ebenezer Walbridge's regiment was killed. Thereupon General St. Leger sent Tupper's clothing to General Enos, together with an open letter expressing regret at the occurrence and apologizing for it.

At this time the Vermont Legislature was in session at Charlestown, in that portion of New Hampshire annexed to Vermont. General Enos and Colonels Fletcher and Walbridge dispatched a messenger named Hathaway to Governor Chittenden at Charlestown with news of the arrival of St. Leger's force at Ticonderoga and incidents connected therewith. Hathaway not only conveyed the official dispatches, but as he came through the streets of Charlestown he proclaimed the news of the British commander's apology for Tupper's death.

There were plenty of men, particularly in the Connecticut valley, who were hostile to the leaders concerned in the negotiations with the British, and ready to use such an incident as that related to their disadvantage. According to Ira Allen's account of this episode, a crowd of people followed Hathaway into the large room where Governor Chittenden and others were assembled. A Major Reynolds (or Rennals) demanded of Col. Ira Allen the reason why General St. Leger was sorry that Sergeant Tupper was killed. Allen replied that he could not tell unless it was that good men were sorry when good men were killed. A heated altercation followed, during which Allen advised his opponent to go at the head of his regiment and demand the reason of St. Leger's sorrow instead of asking impertinent questions and eating the country's provisions in idleness when the frontiers were attacked. The Governor having called a private meeting of the Board of War, the dispatches were read, and new letters were prepared purporting to come from the officers stationed at Castleton but omitting an account of the British negotiations. These were read in the Assembly and the Council.

Meanwhile events were happening at Yorktown, Va., which gave the Vermonters other reasons for delay. Although General Cornwallis surrendered on October 19, it was well into November before the news reached Vermont. As late as November 18, Haldimand wrote to Germaine: "The critical situation of affairs to the southward prevents the Vermonters from declaring themselves. The minds of the populace are not prepared for the issue of the proclamation. The conduct



of Vermont will be entirely regulated by events in the Chesapeake. If fortunate, Vermont will return to her allegiance, but if not the vulgar are so infatuated with the idol Independence that nothing but unavoidable necessity will induce them to relinquish it."

Again, on November 26, Haldimand wrote to Germaine, in a letter marked "most private," that the capitulation of Cornwallis left no hope of a successful conclusion of negotiations with Vermont. The joy with which the news from Yorktown was received in the Green Mountain State is indicated in a paragraph in Haldimand's letter, which says: "The people are rioting in the excess of licentious exultation!"

The British Government was unwilling to abandon the attempt to win the allegiance of Vermont, and early in January, 1782, Germaine wrote to Haldimand that steps should be taken "to restore confidence to the Vermonters by spring," and that the recovery of that State was "to be made a primary object of attention." One of the British commissioners dispatched a letter bearing the date of February 28, 1782, to Ira Allen by a messenger, earnestly requesting the latter to inform him "in the most candid, unreserved manner the present wishes and intentions of the people and leading men of your State respecting our former negotiations, and what effect the late catastrophe of Lord Cornwallis had upon them." He urged him to consider the uncertainties of war and the possibility that the next campaign might "wear a very different aspect." Haldimand wrote to Sir Henry Clinton on April 28 that two months previous to that date he had sent a message to Ira Allen relative

to Vermont affairs and that the messenger had been captured after destroying his dispatch. The latter alluded to the printing in a Fishkill, N. Y., newspaper of the substance of all of Haldimand's reports to Clinton regarding the Vermont negotiations, due to a betrayal of confidence, and declared: "God knows what bad effect it may have in that affair, particularly if Allen and Fay had been sincere."

The Vermont negotiations with the British could not be kept an absolute secret, particularly after the episode following the death of Sergeant Tupper. Gen. Jacob Bayley and other leading men in the Connecticut valley were ready to seize upon any apparent disloyalty to the American cause in order to prejudice public opinion against the Allens, Governor Chittenden and their associates, being more zealous, apparently for a union with New Hampshire than for the preservation of the commonwealth of Vermont. Naturally there were many who bitterly resented any negotiations with the representatives of the British Crown. General Stark, whose friendship for Vermont had aroused the hostility of New York partisans, was suspicious that all was not well, and wrote to General Washington concerning the Vermonters that "their actions and their words appear to carry a very different meaning." Even Seth Warner was suspicious of his old comrades in this affair. It is not surprising that Governor Clinton of New York should find proof of "a traitorous correspondence between the leaders of the New Hampshire Grants and the enemy," as he could hardly be considered an impartial critic. Early in 1782 General Washington wrote Gov-

ernor Chittenden concerning the negotiations with the British, saying: "I will take it for granted, as you assert it, that they were so far innocent that there never was any serious intention of joining Great Britain in their attempt to subjugate your country; but it has this certain bad tendency: it has served to give some ground to that delusive opinion of the enemy, upon which they in great measure found their hopes of success."

Although Ira Allen had a more active part in the negotiations than his brother Ethan, the latter was one of the Vermont leaders in this affair and in June, 1782, he wrote to General Haldimand: "The last refusal of Congress to admit the State into the Union has done more to awaken common people to a sense of their interest and resentment of their conduct than all which they had done before. By their own account they declare that Vermont does not and shall not belong to their confederacy; the consequence is, that they may fight their own battles. It is liberty which they are after, but they will not extend it to Vermont; therefore Vermont does not belong to the confederacy or the controversy, but are a neutral republic." He offered to meet Haldimand anywhere on Lake Champlain and closed by saying: "There is a majority in Congress and a number of the principal officers of the Continental army continually planning against me. I shall do everything in my power to render this State a British province."

In July, Ira Allen went to Canada with a request from Governor Chittenden for the release of two Vermont officers. A letter supposed to have been written by Allen to Haldimand suggested the revival of a charter

said to have been granted to Philip Skene just before the war began, for a royal province, including what is now Vermont and some of eastern New York.

The last letter of this correspondence, written to Ira Allen by direction of General Haldimand, was dated March 25, 1783. In it the fear is expressed that the "happy moment" cannot be recalled in which "the blessings of the British government can be restored"; and it was declared that the Canadian Governor "views with concern the fatal consequences approaching which he has so long and so frequently predicted, from your procrastination."

As a matter of fact the result of this "procrastination" was anything but fatal from a Vermont point of view, having accomplished abundantly and exactly what it was intended to achieve. There is no doubt that many persons in and out of Vermont viewed the Haldimand negotiations with severe disapproval and were inclined to look upon the action of the Vermont leaders in corresponding with and meeting officers of the British army, as little short of treasonable. The charges made are so serious that they deserve the fullest and fairest consideration. The theory of probabilities ought not to be ignored in the consideration of a matter which involves the good name of a State and its founders. He must read his history very superficially who thinks that these pioneer Vermonters were a type of men who could be bought or sold, bargained or delivered, by their leaders. No men in America were more radical in their devotion to liberty, or more resolute in its defence, than the Green Mountain Boys. In their capture of Ticonderoga



they were the first Americans to take a British post and lower the royal standard. In August, 1777, only four years before these negotiations began, General Burgoyne, in explaining the British defeat at Bennington to Lord Germaine, said: "The New Hampshire Grants now abounds in the most rebellious race of the Continent." Nothing had happened, meanwhile, to change the attitude of the people of Vermont toward Great Britain. At this time (1781) the Tory element had been pretty thoroughly weeded out of Vermont, and such British sympathizers as remained were not at all aggressive in their political activities. Ethan and Ira Allen and Thomas Chittenden might have agreed to deliver Mount Mansfield to His Excellency, General Haldimand, at Montreal, with the same probability of keeping their agreement that would have been involved in promising to transform Vermont into a royal province of Great Britain. Even the enemies of these leaders would not deny their shrewdness and sagacity and it is an insult to their intelligence to suppose that these men imagined for a moment that they could lead the resolute people of the Green Mountains like sheep into the British fold.

Ethan Allen was not famous for meekness of character or mildness of disposition, and it is hardly reasonable to suppose that two years had sufficed to obliterate the memory of the long period of cruel and humiliating captivity which he had suffered in British prisons on land and sea. Nor had it been long since Thomas Chittenden and his family had abandoned their Williston home in the Winooski valley, driven out by the threat

of British invasion, and on foot had journeyed through the forests to a safer residence near Bennington. All the motives which ordinarily actuate men would induce the Vermont leaders who conducted these negotiations to oppose any union with Great Britain. The loyalty of the Allens, Governor Chittenden and their associates to the American cause had not been questioned prior to the beginning of the Haldimand negotiations. The correspondence will show that the Vermont leaders made statements, which, if taken at their face value, indicate a purpose to induce Vermont to come under the protection of the British flag. But surely the use of strata-gems as a war policy did not originate in Vermont, and deceiving the enemy is not counted among the deadly sins. Contemporary evidence is not lacking, fortunately.

In June, 1781, probably on June 13, a "Certificate for the Protection of Colonel Ira Allen" was signed by Jonas Fay, Samuel Safford, Samuel Robinson, Joseph Fay, Thomas Chittenden, Moses Robinson, Timothy Brownson and John Fassett. This document referring to the fact that Allen had been sent to Canada for the purpose of securing an exchange of prisoners, states that he "has used his best policy by feigning or endeavoring to make them believe that the State of Vermont had a desire to negotiate a treaty of peace with Great Britain; thereby to prevent the immediate invasion or incursion upon the frontiers of this State." The certificate adds: "We are of the opinion that the critical circumstances this State is in, being out of the Union with the United States and thereby unable to make that vigorous defence

we could wish for—think it to be a necessary political manoeuver to save the frontiers of this State.”

Still more explicit is the “Certificate for the Protection of Colonel Ira Allen,” signed about a month later by Thomas Chittenden, John Fassett, Timothy Brownson, Jonas Fay, Samuel Robinson and Joseph Fay, which declares: “Whereas this State is not in union with the United States, although often requested, etc. This the British power are acquainted with and are endeavoring to take advantage of these disputes thereby to count a connexion with this State on the principle of establishing it a British province. From various accounts we are well assured that the British have a force in Canada larger than this State can at present raise and support in the field, and this State have no assurance of any assistance from any or either of the United States however hard the British forces may crowd in this State from the province of Quebec by the advantage of the waters of Lake Champlain, etc. Although several expresses have been sent by the Governor of this State to several of the respective Governors of the United States with the most urgent requests to know whether any assistance would be afforded in such case, yet no official answer has been made to either of them.

“Wherefore we, the subscribers, do fully approbate Col. Ira Allen sending a letter dated Sunderland, July 10, 1781, and directed to Gen. Haldimand, and another letter to Capt. Justice (Justus) Sherwood, purporting an intention of this State’s becoming a British province, etc. This we consider a political proceeding to prevent the British forces from invading this State, and being a

necessary step to preserve this State from ruin, when we have too much reason to apprehend that this has been the wishes of some of our assuming neighbors, in the meantime to strengthen the State against any insult until this State receives better treatment from the United States or obtain a seat in Congress."

The foregoing statement evidently was written in anticipation of charges of bad faith or treachery, and sets forth clearly the reasons for embarking on such a dangerous policy.

Late in the year 1781, Governor Chittenden, in a letter to General Washington, wrote with much frankness concerning the negotiations with the British. After describing the exposed frontiers of the State he declared that the neighboring States of New York, New Hampshire and Massachusetts "have severally laid claims, in part or in whole, to the State, and who have used every art which they could devise to divide her citizens, to set Congress against her, and, finally to overturn the government and share its territory among them. The repeated applications of this State to the Congress of the United States, to be admitted into the Federal Union with them upon the liberal principles of paying a just proportion of the expenses of the war with Great Britain have been rejected and resolutions passed, *ex parte*, tending to create schisms in the State, and thereby embarrass its efforts in raising men and money for the defence of her frontiers and discountenancing the very existence of this State. Every article belonging to the United States even to pickaxes and spades, has been by the commissioners ordered out of this State



at a time when she was erecting a line of forts on her frontiers. At the same time the State of New York evacuated the post of Sheensborough (Skenesborough), for the avowed purpose of exposing the State to the ravages of the common enemy."

Alluding to the injustice of abandoning Vermont after all the aid that the State had given toward a successful prosecution of this war, he declared: "Vermont being thus drawn to desperation by the injustice of those who should have been her friends, was obliged to adopt policy in the room of power." After describing Col. Ira Allen's visit to Canada for the exchange of prisoners, he added: "While he was transacting that business he was treated with great politeness, and entertained with political matters which necessity obliged him to humor in that easy manner that might serve the interests of this State in its extreme critical situation and that its consequences might not be injurious to the United States. The plan succeeded. The frontiers of this State were not invaded, and Lord George Germaine's letter wrought upon Congress and procured from them which the public virtue of this people could not."

Daniel Chipman, in his biography of his brother, Hon. Nathaniel Chipman, writing of the Haldimand negotiations, said: "I have a personal knowledge of the facts in the case. For although I was too young at the time of this secret negotiation to be an actor in public affairs, yet I lived with my brother, who was a principal actor in all public transactions at that day, and as we have seen, was concerned in this negotiation, and from him I had at the time a knowledge of it from near the com-

mencement to the close. But never did I hear from him, or any one of the leading men, an intimation that they thought of complying with the propositions of the British. But on the contrary, whenever they met, this secret negotiation was usually a subject of merriment and exultation that the British were so completely and so long deceived, to their own injury and our advantage."

Robert R. Livingston of New York in a letter to Benjamin Franklin alluded to the fact that the people of Vermont "finding themselves exposed to inroads from Canada they have tampered with that government, and pretended to be wishing to form a treaty of neutrality with them during the war and to return to the obedience of Britain on a peace. This has had the effect they intended, and in some measure defeated an expedition which the enemy made last year."

Jared Sparks, who became familiar with all these matters in editing Washington's correspondence, in an allusion to the Vermont leaders who conducted the correspondence with the British, said: "Independence was their first and determined purpose; and while they were neglected by Congress, and, like another Poland, threatened with a triple partition between the adjoining States, they felt at liberty to pursue any course that would secure their safety, and conduct them towards their ultimate object. It was on this principle that they encouraged advances to be made by the British, and not that they ever had the remotest intention of deserting the cause of their country, or submitting in any manner to the jurisdiction of the English government."

Only a situation of extraordinary danger would justify the policy adopted by the Vermont leaders in the Haldimand negotiations. Surrounded on every side by avowed enemies or covetous neighbors, weakened by internal dissensions, with Congress indifferent if not hostile, deserted by those who should have been her friends, threatened by invasion from a force greater than she could muster, Vermont's existence as a State was threatened and the lives and property of her citizens were imperilled. A desperate situation like this could not be met by the use of ordinary methods. The Vermont leaders were playing with fire but they handled the perilous situation with such consummate skill, that they preserved a brave little commonwealth from destruction and their own reputations from obloquy. Samuel Williams, Vermont's first historian, has well said of this episode: "Thus while the British Generals were fondly imagining that they were deceiving, corrupting and seducing the people of Vermont by their superior arts, address and intrigues, the wiser policy of eight honest farmers, in the most uncultivated part of America disarmed their northern troops, kept them quiet and inoffensive during three campaigns, assisted in subduing Cornwallis, protected the northern frontiers, and finally saved a State."

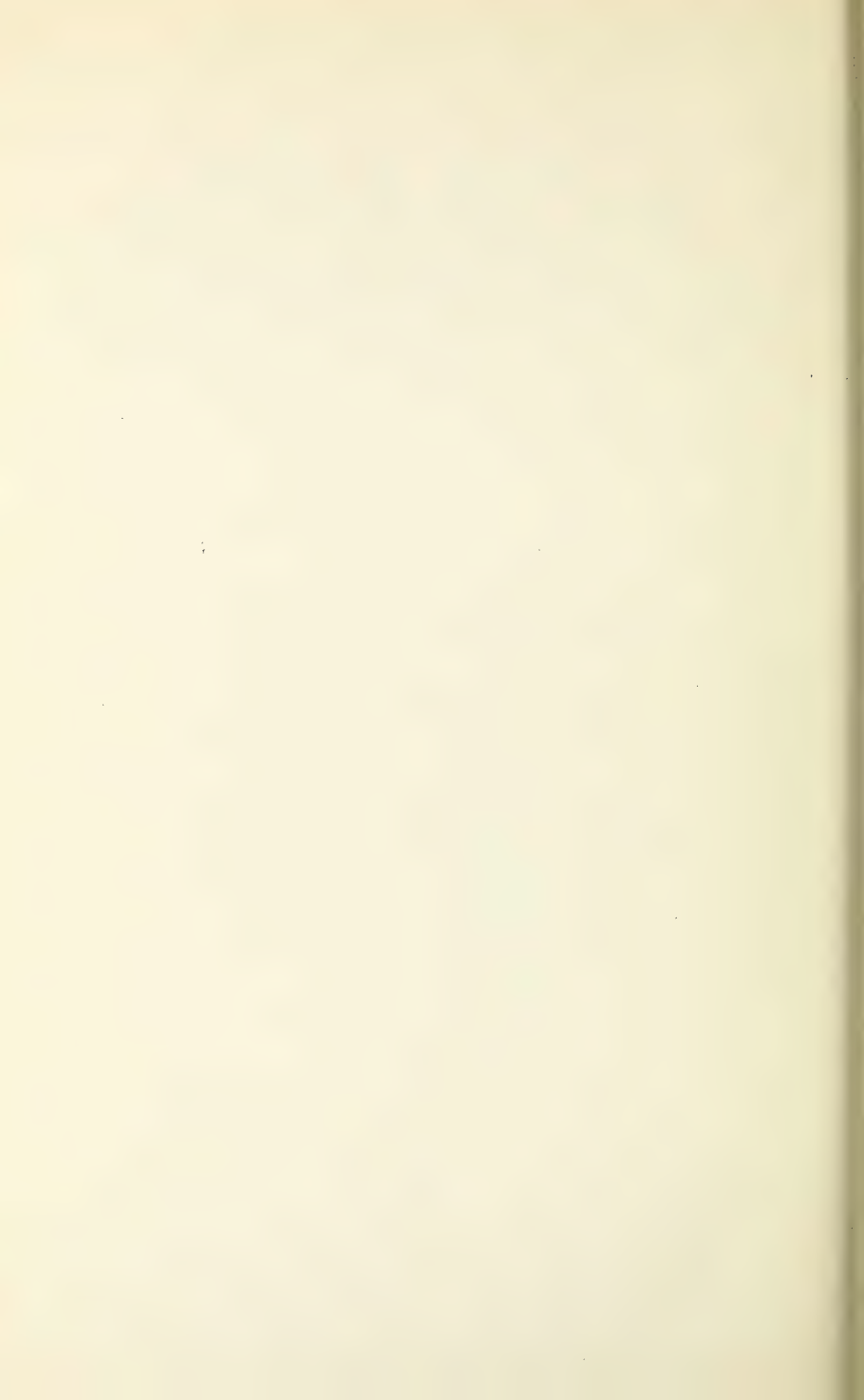
In a statement by Ira Allen, printed in Philadelphia, toward the end of his life, he asserted that the Vermont negotiations with the British detained in Canada about ten thousand men, one-third of the British forces in America, thus aiding materially in the defeat and capture of the army of Lord Cornwallis at Yorktown.

The negotiations with the British did more to hasten the admission of Vermont to the Union than all the prayers and petitions that had been presented to Congress by friends of the Green Mountain Commonwealth. The possibility of a British colony commanding Lake Champlain and the route to the Hudson valley, situated like a wedge driven far into New England, caused no little alarm. A policy of coercion that might drive Vermont into an alliance with the British was not regarded with favor, and a new and more conciliatory policy toward Vermont was adopted soon by Congress. Once more "out of the nettle danger" was plucked "the flower safety."



## CHAPTER XXV

### A DECADE OF DIPLOMACY



G OVERNOR Chittenden's attempt to establish a more satisfactory understanding with other States did not cease with the proposal made to New York. On December 12, 1780, he sent to Governor Hancock of Massachusetts and President Weare of New Hampshire demands that they relinquish their claims to Vermont jurisdiction, and appeals to join in the common defence, intimating that otherwise the State might be obliged to make the best terms possible with Great Britain. On March 8, 1781, the General Court of Massachusetts adopted a resolution, which was approved by the Governor, abandoning all claims to Vermont territory provided Congress recognized this Green Mountain Commonwealth as an independent State, and admitted it to the Confederation.

The New Hampshire Legislature on January 13, 1781, instructed its delegates in Congress to use every possible means to induce that body to make a speedy and final determination of the disputes relative to Vermont. If the decision should be adverse to the establishment of a separate State, then "all proper motives and arguments" should be urged to have this tract confirmed to New Hampshire. At the same time that letters were sent to New York and New Hampshire, Governor Chittenden transmitted others to the Governors of Connecticut and Rhode Island, proposing an alliance and permanent confederation. The Connecticut Legislature suggested that the request of Vermont for admission to the Union be proposed at a meeting of commissioners representing the four New England States and New York, to be held at Providence, R. I., and directed its commis-

sioners, William West, William Bradford and Esek Hopkins, appointed to attend a New England convention at Providence, April 12, in particular to take into consideration the subject matter of the policy and justice of admitting into union and confederation with the thirteen United States of America, the people calling themselves the State of Vermont.

When Congress postponed action on the Vermont controversy, in the fall of 1780, an impression was created that that body did not intend to attempt a settlement of the dispute. The faction in Cumberland county which had favored New York was left in a somewhat embarrassing position. At a convention of committees representing several of the Cumberland county towns, held October 31, 1780, it was decided that the only alternative to submission to the Vermont government was a union with the Connecticut valley towns, which sought to establish a State, the western boundary of which should be the Green Mountains. A committee of thirteen was appointed, headed by Luke Knowlton, to consult with persons on both sides of the Connecticut River, to consider the feasibility of a new government. Delegates from this valley met at Charlestown, N. H., November 8, and adjourned in order to gain further information concerning the sentiments of the people in the region supposed to be particularly interested in forming a new State. At a convention of delegates from several towns in Cheshire county, held at Walpole, N. H., November 15, of which Benjamin Bellows was chairman, it was voted to call a Convention of all the towns on the Grants at Charlestown, on the third Tues-



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day of the following January, "to unite in such measures as the majority shall judge most conducive to consolidate a union of the Grants, and effect a final settlement not present them.

As soon as it appeared that this Convention was likely to be attended by a considerable number of delegates, the various parties vitally interested began to bestir themselves. Vermont, threatened with a loss of not less than half its territory, and facing great dangers of political annihilation, in this crisis sent one man to Charlestown, but that man was Ira Allen, who was authorized by the Governor and Council "to take such measures as his prudence should dictate, and which might be conducive to the interest of the State." He took credentials from the town of Sunderland, but did of the line of jurisdiction."

New Hampshire was in danger of losing two-thirds of her territory, if the plan suggested was carried out, and the influence of the government of that State was exerted in favor of a union of all the Grants with New Hampshire, according to the plans of the Cornish Convention of 1778. The agents of New York were present to advocate the plan of a Connecticut valley State, hoping, apparently, that if only that portion of Vermont west of the Green Mountains were left, it would ultimately be absorbed by its powerful neighbor.

The Charlestown Convention met on January 16, 1781, and elected Capt. Samuel Chase of Cornish, chairman, and Prof. Bezaleel Woodward of Dartmouth College, clerk. Forty-three towns were represented, but all of these were east of the Green Mountains. A

committee was appointed to propose matters of business for the Convention, consisting of General Bellows, Daniel Jones, Colonel Hunt, Professor Woodward, Colonel Bedel, Colonel Payne, Colonel Olcott, Captain Curtis, Mr. White, Colonel Wells, Luke Knowlton and Mr. Townsend.

By a large majority the Convention voted to unite all the New Hampshire Grants to New Hampshire. In order to make certain corrections for publication the report was recommitted to the committee with directions to lay it before the Convention the next morning. The friends of New Hampshire were jubilant over the turn affairs had taken, but that night Ira Allen arrived on the scene, and so diligently did he labor that when the committee assembled the next morning, January 18, the vote of January 17 was rescinded, and by a large majority—the principal opposition coming from twelve members of the New Hampshire Assembly—it was voted to annex to Vermont that portion of New Hampshire between Mason's line and the Connecticut River. Allen assured the delegates that the Vermont Legislature at its February session would concur in this agreement, although it had repealed the union of 1778 with sixteen towns east of the Connecticut River.

This was indeed one of the most remarkable achievements of this remarkable man. The history of few States can show an instance where an adverse vote, threatening the very existence of a commonwealth, was changed over night, by the energy and skill of one man, into a majority favoring the annexation of a substantial portion of the territory of the State that a few hours

earlier expected to do the annexing. Vermont is indebted to Ira Allen, in no small measure, for its existence as a State, and in this emergency for its preservation from disintegration and perhaps from dissolution. John L. Rice well said of Ira Allen in an address on "Dartmouth College and the State of New Connecticut," delivered before the Connecticut Valley Historical Society: "The indomitable energy and sleepless vigilance of this remarkable man, so priceless to Vermont, in all his struggles, proved the salvation of the infant State in what was probably the most critical moment of its history." Even though other moments in Vermont history may be considered as critical as this, one cannot easily overestimate the services which Ira Allen rendered to his State on that eventful night. This episode furnishes an admirable illustration of the masterful skill by which a born leader of men, single handed, occasionally may turn defeat into victory. Alexander Hamilton, by the power of his eloquence and the soundness of his reasoning, converted a sufficient number of a hostile majority to make possible New York's ratification of the United States Constitution. General Sheridan exercised a similar power of leadership during the Civil War, when he turned a defeated and retreating army into a conquering host, and made Cedar Creek a Union instead of a Confederate victory. Ira Allen's diplomatic triumph may not be as well known as the triumph of Hamilton or the victory of Sheridan, but it sufficed between sun and sun to outwit the plotters who had planned for many months to overthrow the little Green Mountain republic, and those who

love Vermont will not forget the magnitude of the diction over the same.

The Vermont Legislature was to meet at Windsor, February 8, 1781, and after appointing a committee to confer with that body, the Convention adjourned to meet at Cornish, just across the Connecticut River from Windsor, on the same day that the Vermont legislators policy of annexation.

When the Vermont Legislature convened, it received a request for a hearing from Elisha Payne, chairman of the Charlestown Convention. Before this request was granted the House, meeting with the Governor and Council, went into committee of the whole, and for three days considered the advisability of attempting to enlarge the territory of the State in the east and west, by a were to assemble.

A committee of seven having been appointed, with Joseph Bowker as chairman, to consider the matter further, reported that in order to quiet the disturbance on both sides of the Connecticut River, and to make possible a better defence of the frontiers, that the Legislature of Vermont should lay a jurisdictional claim to certain lands east of the Connecticut, but recommended that no immediate attempt should be made to exercise jurisdiction rendered.

It was further recommended that taking into account the hostile attitude of New York, and the failure of that State to protect her own frontiers adjacent to Vermont, and considering the extent of that colony over which Great Britain intended Philip Skene to govern, that the Legislature should lay "a jurisdictional claim" to



the region north of the northerly line of Massachusetts and extending to the Hudson River. This report was accepted in committee of the whole and by the General Assembly.

After various conferences between committees representing the Vermont Legislature and the Convention sitting at Cornish, articles of union were agreed upon which provided that the Vermont Constitution should be adopted, subject to revision; that as soon as possible application for admission to the Confederation of States should be made to Congress; that the war expenses of the several towns should be equitably adjusted; that judgments for fines and forfeitures against persons professing to be subjects of New York on October 1, 1780, be annulled; and that no civil suits should be maintained against the persons mentioned for trespasses committed against Vermont officers. The Vermont committee then proposed to the Cornish Convention as necessary to the peace and well-being of the State: "That the independence of the State of Vermont be held sacred; and that no member of the Legislature shall give his vote or otherwise use endeavors to obtain any act or resolution of Assembly, which shall endanger the existence, independence or well being of the State, by referring its independence to the arbitrament of any power." This proposal was accepted, and the Legislature took a recess until April 4, after providing for referring the proposed union to the towns of Vermont and the regions it was proposed to annex. If two-thirds of the towns on each side of the river approved the union then it should be considered as ratified.

When the Legislature reassembled at Windsor, April 5, the returns showed that the proposed Eastern Union had been approved. The New Hampshire towns which voted to unite with Vermont were Hinsdale, Walpole, Surry, Gilsom, Alstead, Charlestown, Acworth, Lemster, Saville, Claremont, Newport, Cornish, Croydon, Plainfield, Grantham, Marlow, Lebanon, Grafton, Dresden, Hanover, Cardigan, Lyme, Dorchester, Haverhill, Landaff, Gunthwait, Lancaster, Piermont, Richmond, Chesterfield, Westmoreland, Bath, Lyman, Morristown alias Franconia and Lincoln. The Vermont towns of Bennington, Manchester, Clarendon, Dummerston, Londonderry, Woodstock and Hertford opposed the union.

Members from most of the towns east of the Connecticut River, which voted for union with Vermont, appeared, and were given seats in the General Assembly.

Soon after the annexation of these New Hampshire towns, the proposed Western Union was taken up by the Vermont Legislature. Petitions from several New York towns were received on April 10, 1781, asking to be placed under Vermont jurisdiction. These towns included Cambridge, Camden, Granville and Skenesborough. The petitions having been considered in committee of the whole, that committee reported on April 11 that the Legislature recommend to the people to the westward over which Vermont had recently laid a jurisdictional claim, that they should appoint members to attend a convention to be held at Cambridge (N. Y.) the second Wednesday of May; that a legislative committee be appointed to meet this convention; that in case articles of union and the matter of raising men for the

defence of the frontiers be agreed upon, that the articles be transmitted to the various districts, and that members should be elected to the Vermont Assembly; that in the event that two-thirds of the districts choose such members they should take their seats. The report was adopted by a vote of forty-eight to thirty-nine. All but twelve of the negative votes were cast by members from towns east of the Connecticut River and until recently a part of New Hampshire. Evidently the Connecticut River towns did not look with favor upon any annexations which would deprive that valley of its supremacy in the Vermont Legislature.

At a convention held at Cambridge (N. Y.) May 9, 1781, representatives were present from Hoosick, Schaghticoke, Cambridge, Saratoga, Upper White Creek, Black Creek, Granville, Skenesborough, Greenfield, Kingsbury, Fort Edward and Little Hoosick.

It was proposed that the district lying north of a line extending from the northern boundary of Massachusetts to the Hudson River, east of said river and south of the forty-fifth parallel of latitude, be considered a part of the State of Vermont; that the whole military force of Vermont should be exerted in the defence of this district as occasion might require; that application should be made for the admission of Vermont to the Confederation as soon as circumstances would permit; that the people of the district should have credit for the Continental taxes they had paid into the New York treasury if Vermont should be called upon later to pay its proportion of money emitted by Congress; that no additional costs should

result to the people of the district on account of a transfer of court jurisdiction; that the changing of jurisdiction should not affect or alienate private property. The committee of the Vermont Legislature, of which Moses Robinson was chairman, stipulated that the independence of Vermont should be held sacred and that when the State became a member of the American Confederation the Legislature should submit any boundary disputes to Congress or any other tribunal mutually agreed upon.

These terms having been accepted by the Cambridge committee, the Vermont Legislature approved the articles by a vote of fifty-three to twenty-four. Eighteen of the negative votes were cast by members from towns east of the Connecticut River. Credentials were then presented admitting fifteen persons from the Western District as members of the General Assembly. It was voted that notice of the annexation of territory and reasons therefor be transmitted to adjacent States, and that delegates be appointed to repair to Congress with the power to propose and receive terms for a union with the United States, such delegates to be empowered to take seats in Congress when terms of union should be agreed upon. Jonas Fay, Ira Allen and Bezaleel Woodward were appointed delegates to Congress.

By legislative enactment the Western District was divided into townships, Little Hoosick, Hoosick, Cambridge, Schaghticoke and Saratoga East being annexed to Bennington county, while Argyle, Black Creek, Eastborough, North Granville, South Granville, Fort Edward, Kingsbury, Skenesborough and White Creek



became a part of Rutland county. Governor Chittenden issued a proclamation on July 18, 1781, formally extending the authority of Vermont over these townships, claiming that the government of New York had been very deficient in defending the inhabitants of this territory, of late had abandoned them to the ravages of the enemy, and that for several years Vermont had been the main support and protection of the people of this Western District.

In June, 1781, President Weare of New Hampshire forwarded to the delegates representing that State in the Continental Congress, petitions from the towns of Walpole, Westmoreland and Swanzey, opposing union with Vermont. A letter accompanied these petitions which declared that "no supplies of men, money or provision can be collected at present from more than two-thirds even of that part of the State which lies east of Connecticut River, and unless Congress brings matters to an immediate issue, we cannot tell how far the contagion may run, but very much fear that the State will be very soon ruined in a great measure, and not able to contribute further towards the war."

Early in August a memorial signed by James Duane and Ezra LeHommedieu, delegates representing New York, was presented to Congress, protesting against the "high handed encroachments" of the people of the New Hampshire Grants, praying for a decision of the vexed question of jurisdiction, and laying claim again to the whole territory in dispute.

In order to comprehend the policy of Congress it should be understood that the action of Vermont in

annexing portions of New Hampshire and New York, and the receipt of an intercepted letter from Lord George Germaine relating to British offers to Vermont, had thoroughly alarmed that body. James Madison, in a letter written to Edmund Pendleton, August 14, 1781, alluded to the probability of a speedy decision of the Vermont controversy, saying: "Notwithstanding the objections to such an event, there is no question but they will soon be established into a separate and Federal State."

Congress, on August 7, 1781, authorized the appointment of a committee of five to confer with such person or persons as might be appointed by the people of the New Hampshire Grants "respecting their claim to be an independent State, and on what terms it may be proper to admit them into the Federal Union of these States." It was resolved that in case Congress should recognize the independence of Vermont that the lands belonging to New Hampshire and New York should be guaranteed against the encroachments of the new State. The committee authorized by Congress consisted of Messrs. Boudinot of New Jersey, Vandyke of Delaware, Carroll of Maryland, Montgomery of Pennsylvania, and Randolph of Virginia. The resolutions adopted by Congress relative to Vermont were sent to Governor Chittenden by General Washington, who selected Capt. Ezra Heacock as his special messenger, and charged him to ascertain whether the people of Vermont would be satisfied with the independence suggested by Congress, or whether they were really desirous of union with Great Britain. Governor Chittenden talked freely with the

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messenger, assuring him that the people of Vermont were zealous supporters of national independence, and desired admission as a State of the Union; that the negotiations with Canada were to secure the State from invasion, but that under no circumstances would Vermonters submit to the jurisdiction of New York.

Congress having instructed its committee to confer with the Vermont delegates to Congress, Jonas Fay, Ira Allen and Bezaleel Woodward, a meeting was held on August 18. Questions were submitted to the Vermont delegates and from the answers given it is learned that Vermont probably contained at that time a population of about thirty thousand, and that approximately seven thousand men were available for militia service. On August 20, Congress voted that an indispensable preliminary to the recognition of Vermont's independence would be the relinquishment of the claims recently made to territory in New Hampshire and New York.

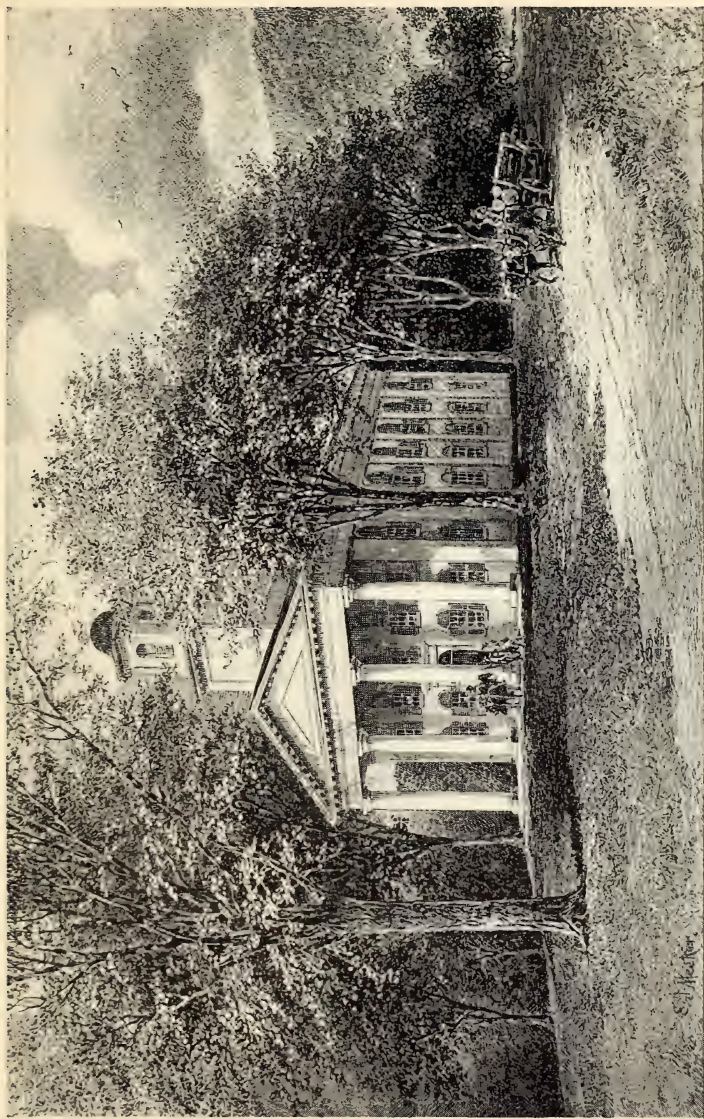
The Vermont Legislature, at its session held in October, 1781, at Charlestown in the East Union, in that portion of New Hampshire recently annexed, considered the report made by its delegates to Congress, and it was resolved "to hold the articles of union which connect each part of the State with the other inviolate." It was declared that the action of the delegates to Congress, in expressing a willingness to accept the Connecticut River as the eastern boundary, should not be considered binding. As an evidence of willingness to settle boundary disputes, the Legislature proposed that nine persons should be elected as commissioners to treat, respectively, with commissioners representing New

Hampshire and New York, the decision of such commission to be held "secretly binding." These resolutions were adopted unanimously, and Elisha Payne, Jonas Fay, Ira Allen, Peter Olcott, Daniel Jones, Col. Gideon Warren, Phineas Whiteside, Col. Joseph Caldwell and Ezra Stiles, were elected to represent Vermont. This session of the Legislature appears to have been controlled by what has been called the Dartmouth College party.

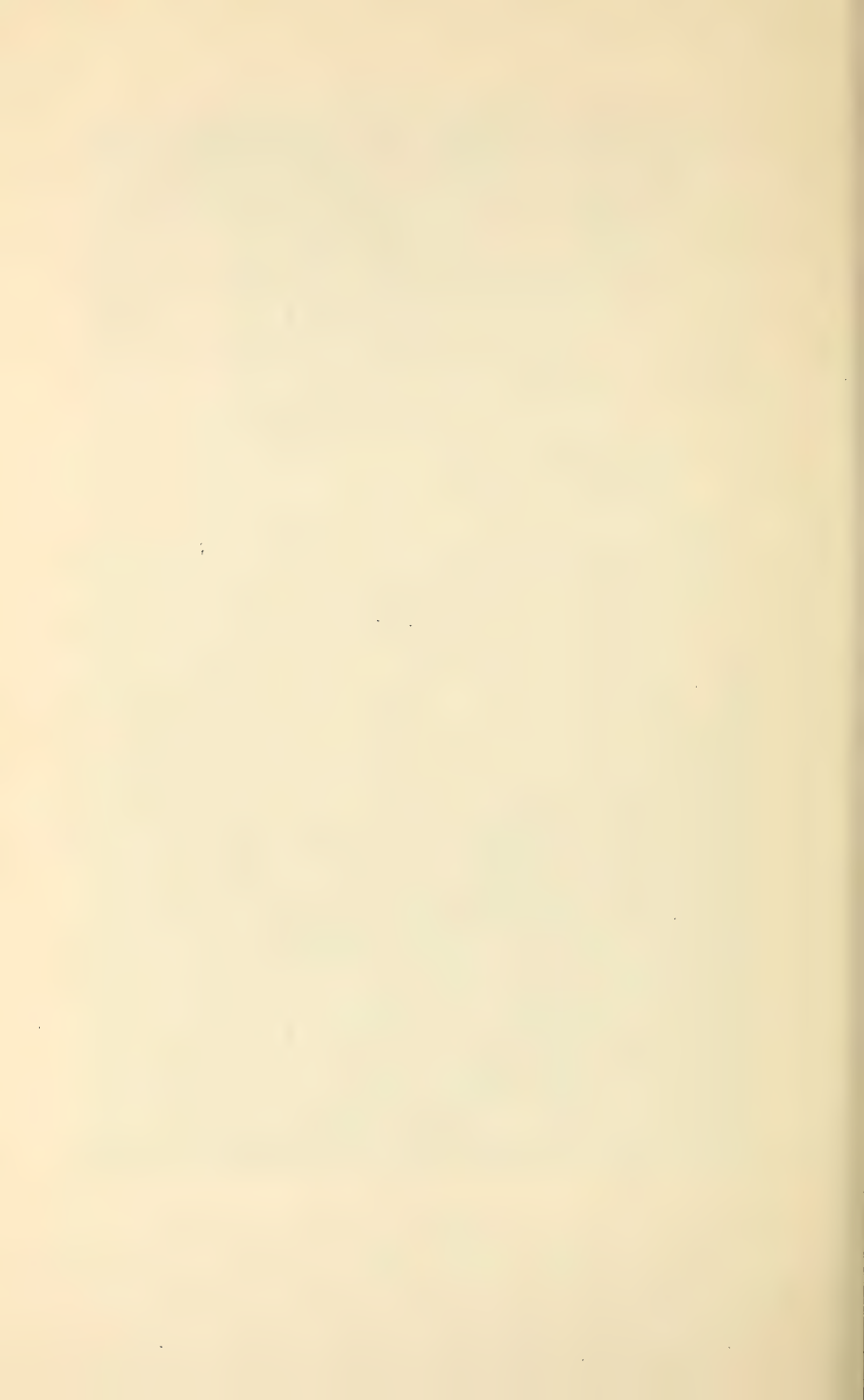
Copies of the resolutions adopted by the Vermont Legislature, relative to boundary matters, were transmitted to New Hampshire and New York. Ira Allen, writing later concerning this matter, expressed the opinion that agents should have been sent to these States as soon as the resolutions were adopted. He believed that at that time New Hampshire could have been persuaded to accept Vermont's proposals. Then, if New York rejected the offer made, with the aid of friendly States, Vermont might have retained the "West Union." In December, 1781, Governor Chittenden sent Ira Allen to urge New Hampshire to agree to the terms proposed, but the time for conciliatory measures had passed.

The annexation by Vermont of portions of the States of New York and New Hampshire very naturally was a source of trouble in a region in which the inhabitants for a considerable period had had no occasion to complain of the deadly dullness of their daily life. From the beginning of the controversy over the New Hampshire Grants, a considerable number of New Yorkers had sympathized with the Green Mountain Boys.





Windham County Court House, Newfane



Owing to the neglect of New York in defending the frontiers of the State in the upper Hudson and Champlain valleys, the extension of Vermont jurisdiction was welcomed by many of the people in the district annexed, although it was resented by others. Col. John Williams, writing to Governor Clinton from White Creek, June 5, 1781, said: "Nothing but Yorkers and Vermonsters is talked of, and even the boys and youngsters are fighting almost daily on the subject." The dissatisfaction of the people of this district with the New York government was shown by Colonel Williams in the following statement: "Nothing scarcely talked of but the bad conduct of the Legislature and the administration of government in this State; no troops on the frontiers, no provisions nor no money, nor have the men got ammunition, although an alarm is every day expected. Cambridge regiment is sufficiently supplied with that article from Vermont last week, and I am told some of this regiment got ammunition yesterday in the same way." Later in the summer Col. Brinton Paine and others of Saratoga were obliged to apply to Governor Chittenden to loan them a supply of ammunition on the occasion of an alarm. White Creek citizens wrote to Governor Clinton on August 31: "Scarce any ammunition, no field officers worth notice in the county, nor guards, excepting a few from Vermont for a few days in front of us." John Younglove reported his inability to keep the people of Cambridge firm in their allegiance to New York, saying: "We are now as near as I can guess, about half and half, almost at swords points." Col. John VanRensselaer made affidavit on October 17

that Vermont had exercised authority in the Hoosick district of Albany county since May, and that during the summer property of the friends of New York had been seized and sold at auction to satisfy "delinquencies to that State." General Sterling, writing from Saratoga on November 3, tells of the receipt of the news of the surrender of Cornwallis, and adds: "We had it announced here by fourteen cannon, the last in compliment to our friends in Vermont, who have with great alertness joined us to repel the attempt of our common enemy."

Part of the militia in the "Western District," as the New York territory annexed by Vermont was called, went over to the new State. Early in October Colonel VanRensselaer arrested at Lansingburg, Samuel Fairbanks, who had received a Vermont commission as Lieutenant Colonel, and others who were associated with him, breaking into their houses for this purpose. Samuel Robinson and Gen. Samuel Safford protested vigorously to General Stark, the former saying: "If your honor cannot find the militia of Albany some other employment I shall march my regiment to that quarter, and try powder and ball with them, which I have as well as they." Fairbanks made his escape in a skirmish in which three New Yorkers were wounded. Governor Chittenden demanded the release of the prisoners taken, threatening to refrain from giving assistance in the event of a British invasion of New York unless the men were returned, and asserting that "power was not limited to New York."



Early in December Colonel Abbott, who had transferred his allegiance from New York to Vermont, arrested Col. John VanRensselaer and others at a public house in Hoosick. They were taken to Bennington, and, according to a report of the captured officers, were treated "in a most scandalous manner." The Bennington authorities, however, discharged the prisoners. General Gansevoort, on December 5, advised Colonels Yates and H. VanRensselaer to march with all dispatch to Sancoick to aid in putting down an insurrection that had taken place in their respective regiments. General Stark, however, in orders issued to Colonel Yates, warned him to be very cautious not to begin hostilities, but to act defensively until reinforced.

Colonel Yates, then at Sancoick, appealed to General Gansevoort, on December 12, to forward troops to him with all speed, saying: "I am weak, only about 80 men, and the insurrectors about 146." He asked that a field piece and some artillerymen should be sent, as the "rioters" were occupying a blockhouse.

After consulting the Council, Governor Chittenden, on December 15, wrote General Stark that he had determined to call a session of the Legislature, to meet at Bennington as soon as possible to consider measures that might promote peace and tranquility. He earnestly appealed to General Stark to request the New York officers to suspend military operations until the meeting of the Vermont Legislature. In the event of refusal he asked General Stark not to interfere with his troops. He assured him that if the New York authorities would comply with the request made, and would liberate the

prisoners captured, Vermont would suspend jurisdiction during that time over persons claiming to be subjects of New York.

Ira Allen is authority for the statement that Governor Chittenden attempted to quiet the disturbance by writing letters. This method failing, he sent Colonel Walbridge and General Safford into the Western Union to effect a settlement if possible. While they succeeded in quieting the disturbance to some extent, peace was not established. At the request of the Governor, Ira Allen visited the camp of Colonel Abbott, commanding the militia favorable to Vermont authority, and advised that hostilities should not be begun until orders were given by Governor Chittenden. He also visited the camp of General Gansevoort, in an endeavor to settle the controversy. He found that officer much opposed to civil war, but of the opinion that New York must protect those who professed allegiance to the State. Upon his return Colonel Allen advised that the only way to restore peace, and avoid bloodshed, was to send a force against General Gansevoort sufficiently large to overawe him, and compel him to retreat. According to Allen, Col. Ebenezer Walbridge was ordered to carry out such a policy.

On December 17, Colonel Walbridge submitted to Col. H. VanRensselaer proposals that the latter release all prisoners; that he make good all damage to individuals done by New York troops; and that persons in the disputed territory should remain unmolested until the controversy should be adjusted by Congress, or some other tribunal. On the following day General Ganse-

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voort demanded an explanation of the presence in New York of a large body of troops from the Grants, with artillery. Colonel Walbridge replied with a statement asserting that he was protecting those who had declared allegiance to Vermont, and urged again proposals for conciliatory methods.

Gansevoort had applied to Stark on December 16 for a field piece and troops to aid in driving the "insurgents" from the blockhouse they occupied. Stark replied, that, although disposed to give him aid, he did not feel justified in complying with the request without orders from General Heath, adding that his troops were almost naked. Gansevoort, in reporting the incident, hinted rather broadly that Governor Chittenden's request had influenced General Stark.

Hearing that the "insurgents" had been reinforced by five hundred Vermont militia and a field piece, Colonel Yates thought it advisable to retire in consequence of orders not to risk an action unless there was a prospect of success. Two spies had been sent to Bennington, who reported that they had seen about one hundred armed men at Mr. Dewey's tavern, had listened to aggressive opinions expressed by Major Tichenor and Gen. Ethan Allen, had learned that five hundred men had been ordered out, and had seen a field piece and a number of armed men near Sancoick.

General Gansevoort had gone to Schaghticoke to take command of the militia, but meeting Colonel Yates in full retreat, on December 19, he disbanded the troops, giving as his reasons, that from the regiments of Colonels Yates, VanRensselaer, VanVechten and Major

Taylor, only eighty men appeared. Only the colonel, a few officers and one private of VanVechten's regiment reported for duty. Other reasons given were that the men were not supplied with provisions and had been absent from home for a considerable period. Gansevoort expressed the opinion that if his whole brigade and that of General VanRensselaer had been ordered out, they would have been insufficient to suppress the insurrection. He decided, therefore, instead of settling the controversy by force of arms that he would leave the matter to the Governor, Legislature and Congress, adding the information that the friends of the New York government in Schaghticoke, and Hoosick were in a precarious condition, and he feared that they would be obliged to abandon their homes, or swear allegiance to Vermont. Certainly the prestige of Vermont did not suffer as a result of this episode.

The annexation of New Hampshire towns bred trouble of the same kind as that which followed the extension of Vermont's frontier toward the Hudson. In November, 1781, Samuel Davis, Constable of Chesterfield under the jurisdiction of Vermont, was prevented from serving a writ by two men friendly to the New Hampshire government, Grandy and Brigham. These men were arrested and confined in the Charlestown jail, from which place they appealed to the New Hampshire Legislature for relief. Col. Enoch Hale, Sheriff of Cheshire county under the jurisdiction of New Hampshire, was ordered to release Grandy and Brigham, but in attempting to obey the order he himself was arrested. Later Sheriff Hale was arraigned before two Vermont



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magistrates on the charge of attempting to break jail and was returned to prison.

The New Hampshire Legislature thereupon enacted a law, authorizing a committee of safety to issue an order demanding the release from prison of persons arrested under the authority of the "pretended State of Vermont." Gen. Benjamin Bellows, however, informed President Weare that something more effectual than acts of the General Assembly was needed to open prison doors. He had heard that the Vermont authorities could raise six hundred men at short notice, and would "resolutely dispute the ground inch by inch." His advice was to the effect that unless a posse could be raised outside of Cheshire county it would be inadvisable to dispute the ground any longer. Governor Chittenden having been notified by Dr. William Page of Charlestown, the Vermont Sheriff, that military aid was needed to prevent the release of Colonel Hale, directed Lieut. Gov. Elisha Payne to repel force by force if necessary, but to use every means in his power to prevent bloodshed. He was given authority to call out any part or all of the militia east of the Green Mountains if New Hampshire insisted upon hostile measures. A copy of these orders was sent to President Weare by General Payne with a notice that if New Hampshire commenced hostilities that State must be accountable for the consequences. The next step appears to have been an order issued by Gen. Samuel Fletcher, calling out the militia east of the Green Mountains for the defence of the East Union.

The New Hampshire Committee of Safety, on December 27, 1781, ordered Sheriff Robert Smith to arrest certain residents of Cheshire county, including Samuel King and Nathaniel Prentice, members of the Vermont Legislature. King was arrested, but after being conducted for twenty miles, he was rescued at Keene by a party armed with clubs, swords and staves. Gen. Benjamin Bellows informed President Weare that this "mob" abused the persons who aided in King's arrest "in a shameful and barbarous manner," inflicting "all the indignities which such an hellish pack can be guilty of." More than that, he said that they threatened "to kill, burn and destroy the persons and property of all who oppose them."

Col. Ira Allen was sent to New Hampshire on a mission of peace, but accomplished nothing. While he was at Exeter, General Enos and Sheriff Page arrived on a similar errand. The latter was immediately arrested for accepting office from Vermont, and was confined in jail, bail being refused. On January 12, President Weare issued a proclamation giving Vermonters forty days to leave the East Union or acknowledge the jurisdiction of New Hampshire, following an act of the New Hampshire Legislature authorizing the raising of an armed force of one thousand men for the protection of the western portion of the State. It was also voted to notify Congress of the state of affairs.

In Governor Chittenden's letter to General Washington, dated November 14, 1781, in which the negotiations with the British were discussed, he alluded to the relations of the State with New York and New Hampshire,

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in which he said that "the cabinet of Vermont projected the extension of their claim of jurisdiction upon the States of New Hampshire and New York, as well to quiet some of her own internal divisions occasioned by the machinations of those two governments, as to make them experience the evils of intestine broils, and strengthen the State against insult."

On New Year's day, 1782, Washington replied to Chittenden, writing not officially, but as one citizen to another, saying that he did not think it necessary to discuss the right of the people of the New Hampshire Grants, now known as Vermont, to the tract of country they occupied. He was willing to assume that their right was good, because Congress by a resolution adopted August 7 admitted that right by implication, and by its action two weeks later appeared willing to confirm it, provided the new State was confined to certain prescribed bounds. In his opinion the only real dispute involved a question of boundaries, and he asked if the recent annexations were not more of a political manoeuvre than an assertion of a justifiable claim.

Expressing his private opinion that Congress should do ample justice to a body of people sufficiently respectable by their numbers and entitled by other claims to be admitted to the Confederation, he called attention to the fact that if the rights of Vermont were acknowledged, that State would be the first to be admitted as a member of the Confederacy, and if encroachments upon ancient boundaries were permitted a bad precedent would be established. To this advice he added a warn-

ing concerning the possible necessity of coercion by Congress.

Early in January, 1782, in accordance with a resolution adopted by the Governor and Council, Lieutenant Governor Payne, Bezaleel Woodward, Ethan Allen, John Fassett, Jr., and Matthew Lyon were appointed a committee to prepare a defence of the Eastern and Western Unions, although the author is thought to have been Ethan Allen. The argument is summed up in the closing sentence, which declares that "Vermont does not mean to be so overrighteous as by that means to die before her time; but for the States of New York and New Hampshire, to stand griping their respective claims fast hold of Vermont, and at the same time make such a tedious outcry against the gripe of Vermont upon them, is altogether romantic and laughable."

The New York Legislature adopted resolutions expressing great alarm at the evident intention of Congress, as a matter of political expediency, to recognize the State of Vermont, in accordance with resolutions adopted on August 7 and 20, 1781, and these resolutions were presented to Congress and ordered to be filed among the archives. Mr. Floyd of New York moved to amend the records by adding the words "and protesting against any attempt made by Congress to carry into execution their said acts of the 7th and 20th of August last." Five States favored the motion and only one, Rhode Island, voted no, but a majority of the States having failed to vote, the motion was lost.

Letters and papers relating to Vermont were presented to Congress for consideration, and the subject



was debated on January 25 and again on January 28, 1782, after which it was referred to a grand committee. During the month of February various letters and memorials giving the Vermont point of view were presented to Congress. Some of these were signed by Ira Allen and Jonas Fay, while to others was added the name of Abel Curtis of Norwich, who did not arrive in Philadelphia as soon as his colleagues. Allen and Fay presented credentials showing their reappointment, documents relating to the annexation of the Eastern and Western Unions and an appeal for the recognition of her independence and admission to the Federal Union. It was argued by the entire committee that when the power of the royal government in the American Colonies ceased the people were left at liberty to institute such government as might appear to them to be "most conducive to their peace and happiness." Requests were made for copies of papers filed by New Hampshire and New York.

Seth Smith, with the approval of Governor Clinton, presented a "Representation" to Congress on behalf of citizens in the towns of Guilford and Brattleboro, asserting that a very great majority of the people of those towns and three-fourths of the people residing between the Green Mountains and the Connecticut River, desired to return to the jurisdiction of New York.

A committee consisting of Messrs. Livermore of New Hampshire, Partridge of Massachusetts, Cornell of Rhode Island, Law of Connecticut, Floyd of New York, Boudinot of New Jersey, Clymer of Pennsylvania, Rodney of Delaware, Carroll of Maryland, Randolph of

Virginia, Hawkins of North Carolina, Middleton of South Carolina and Telfair of Georgia, appointed to consider various matters relating to Vermont, reported a resolution which provided that if the inhabitants, within a month after a certified copy of the resolutions adopted by Congress relative to the matter, were delivered to Thomas Chittenden, by some authenticated act should recognize the boundaries designated, excluding the Eastern and Western Unions, and should accede to the articles of Confederation, then the district should be acknowledged a free, independent and sovereign State and considered a part of the Federal Union. All attempts to amend the resolution on March 1 were lost. New York delegates attempted to strike out the entire resolution, but it was supported by Massachusetts, Rhode Island, New Jersey, Pennsylvania, Delaware and Maryland. The States voting against it were New York, Virginia, South Carolina and Georgia, and one member each from New Hampshire and North Carolina. The Vermont delegation had returned home before the resolution was brought to a vote, having notified Congress on February 21 that legislative duties at home demanded their attention, and that they were not urgent for a hasty determination relative to the matter of admission to the Union.

When the Vermont Legislature met at Bennington, February 11, 1782, General Washington's letter to Governor Chittenden relative to annexation of portions of New York and New Hampshire, and a letter, evidently of similar tenor, from Gen. Oliver Wolcott of Connecticut, were laid before that body. After considering

the matter for several days, the General Assembly, in committee of the whole, voted as its opinion, that Congress, in guaranteeing to New York and New Hampshire the territory within certain limits, had fixed the boundary of Vermont. It was voted therefore to relinquish all claims to the portions of New York and New Hampshire recently annexed in order that the State might be admitted to the Union. Moses Robinson, Paul Spooner and Isaac Tichenor were elected a committee to transact the public business of the State with Congress. They were directed to proceed to Philadelphia without delay, and as plenipotentiaries were invested with power to agree upon terms for the admission of Vermont to the Federal Union, to sign and ratify articles of Union and to take seats in Congress. If possible they were to negotiate for admission without payment of any portion of the Continental debt, the State to pay its own obligations, but if this concession could not be obtained, then Vermont's part of the national debt was to be scaled down as low as possible. Later Jonas Fay was elected as an additional member of the delegation. A committee was appointed to consider some mode of address relative to the injuries sustained by the people of the Eastern and Western Unions.

The absence of some of the members from the eastern part of the State, and the influence of General Washington's letter, combined to make possible the relinquishment of the claim of the Eastern and Western Unions. Governor Chittenden notified General Washington, on March 16, 1782, that his advice had been followed in regard to the New York and New Hamp-

shire districts annexed, adding: "The glory of America is our glory, and with our country we mean to live or die, as her fate shall be."

On April 1, the Vermont delegation notified Congress that the State had complied with the conditions laid down and expressed the assurance that no obstacle remained to admission into the Federal Union. But Congress was in a different mood from that which prompted the passage of the resolutions of August 7 and August 20, only a few months earlier. The whole question of the merits of the Vermont controversy seems to have been overshadowed by that of the jurisdiction over Western lands, claimed by several of the States. Members of Congress at this early period seem to have played politics as diligently as their successors. Vermont had taken the suggestions of Congress in good faith and had relinquished her claims to territory on her eastern and western borders in which many of the inhabitants preferred the rule of the new commonwealth. Now her delegates found Congress unwilling to agree upon a date when a vote should be taken on a motion to admit Vermont to the Union. New York had relinquished to the United States her claims to Western lands, a flimsy claim to be sure, which, according to James Madison, "was tenable neither by force nor by right," but the cession had strengthened her position.

On April 19, the Vermont delegates notified Congress of their disappointment at the unexpected delay and the belief that the situation in which Congress had left the business of their mission rendered their presence at that time unnecessary. Mr. Madison, in observations writ-



ten on May 1, 1782, declared that the two great objects which were predominant in Congressional politics at that time were Vermont and the Western territory. The Eastern States with the exception of New Hampshire favored the admission of Vermont to the Union, he said, on account of an ancient prejudice against New York; because citizens of those States were interested in Vermont lands; but principally for the reason that the new State would strengthen the East in Congress. New Hampshire having recovered her territory was indifferent in regard to statehood. Pennsylvania and Maryland favored Vermont because they hoped the opposition to claims to Western territory might be strengthened. New Jersey, Delaware and Rhode Island by their support expected to strengthen the interests of the small States.

The four Southern States of Virginia, North Carolina, South Carolina and Georgia opposed the admission of Vermont on account of habitual jealousy of a predominance of Eastern interests; the opposition to Western claims expected from Vermont; the inexpediency of admitting such a small State to an equal rate in deciding peace terms; and the influence of the example on the possible dismemberment of other States. The Western claims were advanced particularly by Virginia, North Carolina, South Carolina, Georgia and New York. The hostility of New York, of course, was based upon other reasons than those that influenced the Southern States.

The Legislature of New York, in April, 1782, evidently considered it wise to adopt a more conciliatory

policy toward Vermont than that hitherto pursued, and acts were passed pardoning all treasons, felonies and conspiracies committed against the sovereignty of New York. Another act "for quieting the minds of the inhabitants of the northeastern parts," declared legal and valid all grants made by New Hampshire in what is now Vermont, even though no quit rent had been paid them; and grants made by Vermont, not previously granted by New York authority, were confirmed. Improvements made on land in this district, not granted by any colony, were also confirmed.

Early in September, 1782, Vermont troops under command of Ethan Allen suppressed an uprising in Guilford against the authority of Vermont. The matter was reported to Congress by Governor Clinton, who wrote a private note to the New York delegates, saying: "I feel the honor of the State and myself hurt that my repeated applications to them (Congress) for a decision of the controversy have been not only ineffectual but even unnoticed." Charles Phelps, one of the New York adherents, who had been arrested by Vermont officers, escaped and later presented his grievances to a committee of Congress and petitioned that body for aid in securing his property that had been confiscated.

On November 5, 1782, Congress considered the report of a committee, made in April, declaring that Vermont having complied with the requirements laid down, the conditional promise and engagement of Congress, recognizing the sovereignty and independence of the State, "is thereby become absolute and necessary to be performed," concluding with a formal recognition of inde-

pendence and provision for the admission of the State into the Federation. The report of a committee to which was referred papers relative to the Guilford disturbance was also presented and debated. A motion to postpone consideration of the latter report in order to consider the former was defeated by a substantial majority. About a week later a resolution recommending that New York revoke all civil and military commissions issued to persons "residing in the district called Vermont," issued the preceding May, was defeated, Rhode Island voting for it, New York, Maryland, North Carolina, South Carolina, Delaware and New Hampshire voting against it, and Massachusetts and New Jersey not being counted. A motion to commit a resolution recommending that the Vermont authorities "make full and ample satisfaction" to certain New York adherents who had been punished by them, was lost.

A resolution was offered on December 5 by Mr. McKean of Delaware, seconded by Alexander Hamilton of New York, referring to the Guilford disturbance, declaring in substance that the acts and proceedings of the Vermont authorities were "highly derogatory to the authority of the United States and dangerous to the confederacy, (and) require the immediate and decided interposition of Congress for the protection and relief of such as have suffered by them, and for preserving peace in the said district until a decision shall be had of the controversy, relative to the jurisdiction of the same." The people of Vermont were required without delay to make restitution to the New York partisans who

had been banished from Guilford, and whose property had been confiscated. To this was added a threat, "That the United States will take effectual measures to enforce a compliance with the aforesaid resolutions in case the same shall be disobeyed by the people of the said district," and an order that a copy of the resolutions be transmitted "to Thomas Chittenden, Esq., of Bennington in the district aforesaid, to be communicated to the people thereof." These resolutions were adopted by a vote of seven of the thirteen States, New Hampshire, New York, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina voting in the affirmative, Rhode Island and New Jersey voting in the negative, and Massachusetts and Maryland, each casting one affirmative vote, not being counted.

In transmitting to Governor Clinton the resolutions adopted by Congress, the New York delegates, William Floyd and Alexander Hamilton, warned him that absolute reliance could not be placed on the coercive clause if the employment of force should be required. The principal advantage to be expected was a more friendly attitude toward New York, which might "induce Congress the more readily to adopt some moderate medicine." It was recommended that everything possible be done to conciliate the inhabitants of the Grants, and attention was called to the fact that a considerable part of the army was interested in lands granted by Vermont. In a reply to this letter Governor Clinton informed Alexander Hamilton that he feared some members of Congress were giving the Vermont authorities secret assurances that that body would not adopt coer-



cive measures against them, and he thought it possible that this conduct might in some measure nullify the good effect of the resolutions.

Vermont did not permit the resolutions adopted by Congress to go unchallenged. Early in January, 1783, the Council directed Ira Allen and Thomas Tolman to prepare a remonstrance. This document referred to the implied promise of Congress to recognize the independence of Vermont, protested against interference in the internal affairs of the State, and asserted that "Congress has been so mutable in their resolutions respecting Vermont that it is impossible to know on what ground to find them, or what they design next. At one time they guarantee to the State of New York and New Hampshire their lands and jurisdiction to certain described limits, leaving a place for the existence of this State. And the next that this government hears from them they are within those limits, controlling the internal government of the State. Again they describe preliminaries of confederation, and when complied with on the part of this State, they unreasonably procrastinate the ratification thereof." Attention was called to the fact that if Congress had a right to control the internal police of the State, Vermont had a right to be heard in defence before resolutions were adopted. Mr. Madison, in his "Papers," refers to the reception by Congress of "an indecent and tart remonstrance" from Vermont. On motion of Mr. Hamilton of New York the remonstrance was committed. In discussing the motion, Mr. Dyer of Connecticut declared that General Washington was in favor of Vermont, that the principal

people of New England were supporters of the new State, and that Congress ought to rectify the error into which it had been led.

General Washington evidently attached greater weight to the threat of coercion in Vermont affairs than did the members of Congress or Governor Clinton. So serious did he consider the possibility of a situation in which the army might be called upon to invade Vermont, that he addressed a letter to Joseph Jones, a Virginia member of Congress, dated at Newburg, N. Y., February 11, 1783.

The earnestness with which Washington wrote indicated that he comprehended justly the danger involved in attempting to coerce Vermont, and that he was determined to prevent such an invasion if possible. After referring to the Vermont remonstrance, which he thought might be based upon facts, although it might omit some features less favorable than those presented, he said: "Matters seem to be approaching too fast to a disagreeable issue for the quiet of my mind. The resolves on one hand and the remonstrance on the other, unless it should be annulled by the Legislature at their next meeting, which I do not expect, seem to leave little room for an amicable decision.

"Affairs being thus situated, permit me to ask how far and by what means coercion is to be extended. The army, I presume, will be the answer to the latter. Circumstances (for there can be no determination after blood is once drawn) alone can prescribe bounds to the former. It has been said, but of this you can judge better than I, that the delegates of the New England

States in Congress, or a majority of them, are willing to admit these people into the Federal Union as an independent and sovereign State. Be this as it may, two things I am sure of, namely, that they have a powerful interest in those States, and pursued very politic measures to strengthen and increase it long before I had any knowledge of the matter, and before the tendency of it was seen into or suspected, by granting upon very advantageous terms large tracts of land, in which, I am sorry to find, the army in some degree have participated.

“Let me next ask, by whom is this district of country principally settled? And of whom is your present army (I do not confine the question to this part of it but will extend it to the whole) composed? The answers are evident—New England men. It has been the opinion of some that the appearance of force would awe these people into submission. If the General Assembly ratify and confirm what Mr. Chittenden and his Council have done, I shall be of a very different sentiment; and, moreover, that is not a trifling force that will subdue them, even supposing they derive no aid from the enemy in Canada; and that it would be a very arduous task indeed, if they should, to say nothing of a diversion which may and doubtless would be made in their favor from New York (by Carleton) if the war with Great Britain should continue.

“The country is very mountainous, full of defiles, and extremely strong. The inhabitants, for the most part, are a hardy race, composed of that kind of people who are best calculated for soldiers; in truth, who are soldiers; for many, many hundreds of them are deserters

from this army, who, having acquired property there, would be desperate in the defence of it, well knowing that they were fighting with halters about their necks.

“It may be asked if I am acquainted with the sentiments of the army on the subject of this dispute. I readily answer, No, not intimately. It is a matter of too delicate a nature to agitate for the purpose of information. But I have heard many officers of rank and discernment, and have learned by indirect inquiries that others express the utmost horror at the idea of shedding blood in this dispute, comparing it, in its consequences, though not in the principles, to the quarrel with Great Britain, who thought she was only to hold up the rod and all would be hushed. I cannot at this time undertake to say that there would be any difficulty with the army if it were to be ordered on this service, but I should be exceedingly unhappy to see the experiment. For besides the reasons before suggested, I believe there would be a great and general unwillingness to embrace their hands in the blood of their brethren. I have to add that almost at the same instant a number of the printed copies of the remonstrance were disseminated through the army. What effect it will have I know not. The design is obvious.”

It is evident that Washington had grave doubts whether an army composed largely of New England men would be willing to invade Vermont in the interest of New York, and it is not difficult to read between the lines an unwillingness to assist New York in subduing Vermont by force of arms.



Congressman Jones replied soon, informing Washington that the probability of the use of force against Vermont was very slight. He expressed the opinion that if Vermont ceased to encroach upon other States, avoided combinations, and patiently awaited a convenient time, admission to the Union would be granted at no distant day. He admitted that Virginia had opposed admission, not on account of hostility to Vermont's claim, but rather because it was considered impolitic to take such a step while several important questions of local concern remained unsettled.

In February, 1783, the General Assembly of Vermont again petitioned Congress to admit the State to the Union. Although favorable action was not taken, Congress declined to grant Governor Clinton's request for troops which might be used against Vermont.

In May, 1782, a convention of committees representing the towns of Newbury, Moretown (Bradford), Norwich and Hartford expressed a desire to be annexed to New Hampshire, and correspondence later that year between President Weare of New Hampshire and Governor Clinton of New York revived the proposal to divide Vermont between the two States, using the Green Mountains as a line of division. In July, 1783, Alexander Hamilton informed Governor Clinton that the only chance New York had to recover any part of the revolted territory was by a compromise with New Hampshire. At this time Hamilton was beginning to consider the advisability of a relinquishment on the part of New York of all claims to Vermont territory.

New York endeavored from time to time, but without success, to induce Congress to send troops into that State, which should be under New York control, and subject to orders to proceed against Vermont. In April, 1784, Governor Chittenden warned Congress "that Vermont does not wish to enter into a war with the State of New York, but that she will act on the defensive and expects that Congress and the twelve States will observe a strict neutrality, and let the contending States settle their own controversy." A contest of arms, however, was not to be waged.

On May 29, 1784, a committee of Congress reported in favor of recognizing Vermont as a free, sovereign and independent State, and making it a part of the Confederacy. Although a majority of the States were said to be in favor of this resolution, it could not command the necessary support, nine of the thirteen States. This was the last act of the Continental Congress concerning Vermont. About this time Jonathan Bartlett of New Hampshire wrote to Josiah Bartlett of that State that no determination had been reached respecting Vermont. Some of the Southern delegates openly declared that they would not consent to the admission of Vermont, as it would give "a balance" to the Eastern States.

The signing of the treaty of peace with Great Britain removed the fear of invasion from Canada which had threatened Vermont and had been averted through the skilful diplomacy of a few Vermont leaders. For several years the Green Mountain Commonwealth had been beseeching Congress for admission to the Union. With the coming of peace the situation was changed. The

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Confederation was bound together very loosely and with the danger of British subjugation removed little attention was paid to the moral suasion which was the only influence which Congress possessed. The army was unpaid and naturally dissatisfied. The currency was greatly depreciated. Public treasuries were empty and debts were long overdue. Vermont was free from debt and was not subject to calls from Congress for money. Taxes were low and government was not burdensome. Land was abundant, fertile and cheap. Settlers were flocking to the new State in large numbers. The procrastinating and contradictory policy of Congress had displeased Vermonters and caused them to lose confidence in that body.

Vermont was growing stronger and more prosperous. The Confederation of States, beset by troubles on every hand was growing weaker, and Vermonters were well content with their own little republic. For a short period Vermont was like a sturdy craft that had weathered the fiercest storms, and now was safe in a harbor in which she was sheltered from the tempest that raged outside.





CHAPTER XXVI

THE VERMONT REPUBLIC



**D**URING the period immediately following the declaration of peace with Great Britain, when there was no central government worthy of the name in the group of States calling itself the American nation, the little commonwealth of Vermont was gradually assuming most of the functions exercised by an independent republic. It coined money. It established post-offices and post-roads. It entered into negotiations with a foreign power concerning trade and commerce. It passed acts of naturalization. It granted public lands. It considered public acts relating to a policy of internal improvements. And long before it declared its independence it had raised and supported armed forces for the defence of the homes of its people.

Before the close of the American Revolution, in 1781, the General Assembly passed an act providing for bills of credit "for the purpose of carrying on the war, and the payment of the public debts of this State, as well as for enlarging the quantity of circulating medium." Provision was made for issuing twenty-five thousand, one hundred and fifty-five pounds in denominations of three pounds, two pounds, twenty shillings or one pound, ten shillings, five shillings, two shillings and six-penny, one shilling and three-penny, and one shilling. These bills were to be printed under the inspection of Matthew Lyon, Edward Harris and Ezra Stiles. The committee to sign and number the bills consisted of John Fassett, Ebenezer Walbridge and John Porter. These bills were to be lawful tender for payment in all contracts and executions. They were to be redeemed by the State Treasurer by June 1, 1782, in return at the rate of six

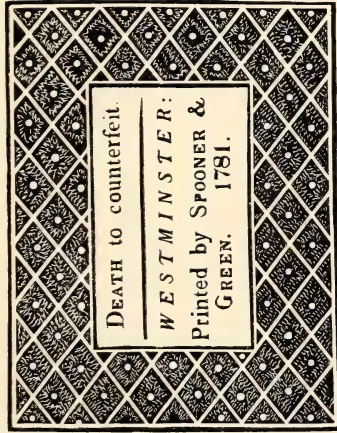
shillings for one Spanish milled dollar or its gold equivalent. For the redemption of these bills, in part, a tax of one shilling and three-pence on the pound, part in silver, on the list of polls and ratable estates of the inhabitants was laid to be collected the following June. For the redemption of the remaining portion, a tax of ten shillings on each hundred acres of land was laid, "which will now admit of settlement on account of the war," public rights and college lands excepted, the tax to be paid in silver. The act justified the latter tax on the ground that land was the great object of the war and "received the most solid protection of any estate"; and that a large part of this landed property had paid no part of the cost of defending it, while the blood and treasure of the inhabitants, many of whom owned little land, had been spent in its protection. Publication of the act was ordered in the *Vermont Gazette*, the *New Hampshire Gazette*, one Boston newspaper, the *Connecticut Courant* and the *Massachusetts Spy*. The death penalty was provided for counterfeiters. The bills were printed at Westminster by Spooner and Green. The amount actually issued under the act was twenty-four thousand, seven hundred and fifty pounds, eight shillings, seven pence. In February, 1782, an act was passed providing that after the first day of the following June these bills of credit should not be legal tender.

A petition was presented to the General Assembly, then in session at Norwich, praying for permission to coin a quantity of copper, and on June 15 an act was passed granting to the petitioner Reuben Harmon, Jr., the exclusive right to coin copper within the State for





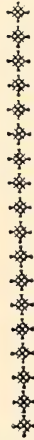
ONE POUND.



DEATH to counterfeit.

WESTMINSTER:

Printed by SPOONER &  
GREEN. 1781.



TWENTY SHILLINGS.

THE Possessor of this BILL shall be  
paid by the Treasurer of the State  
of Vermont, TWENTY SHIL-  
LINGS, in Spanish milled Dollars, at

Six Shillings each  
or Gold or Silver  
Coins equivalent, by  
the first Day of  
June, A. D. 1782.  
By Order of Assem-  
bly — Windsor  
February, 1781.



*J. Porter*  
*Pro. Treasr*





a period of two years from July 1, 1785. The act provided that the coins should be in pieces of one-third of an ounce, Troy weight, and provision was made for a bond of five thousand dollars guaranteed by two good and sufficient sureties. In October of the same year the act was amended so that the weight of the coins was reduced from one-third of an ounce, or six pennyweights and sixteen grains, to four pennyweights and fifteen grains, as they were found "to exceed in weight the copper coin used in the United States of America."

Harmon's mint was a small, unpainted building, erected in the northeastern part of Rupert on Mill Brook, a tributary of the Mettowee, or Pawlet River. In October, 1786, Harmon again petitioned the Legislature, this time arguing that the shortness of the period for which he was granted the right of coinage would not permit him to indemnify himself for the sum he had expended, and asking for an extension of time. Thereupon it was voted that he should have the exclusive right in Vermont of coining copper money for eight years from July 1, 1786. For the first three years he should enjoy the privilege without cost but for the remaining five years he was to pay the State two and one-half per cent of the money coined.

The earlier coins bore the device of a sun rising over forest clad mountains, with a plough in the foreground. The legend was "Vermontensium, Res, Publica" and the date. On the reverse of the coin was an eye radiating to thirteen stars, with the legend "Quarta, Decima, Stella." The coinage act of 1786 provided for a change in both device and legend. On the obverse of the coin

was the bust of a man wearing a coat of mail with a laurel wreath on his head. The legend was an abbreviation of the words "Auctoritate Vermontensium." On the reverse was the figure of a woman seated, representing the Genius of America. A shield was at her side, in her right hand she held an olive branch, and in her left, a rod. The legend was "Inde, et Lib.," an abbreviation of Independence and Liberty. It has been claimed by persons none too friendly to Vermont that the bust represented King George Third of Great Britain, but this statement, of course, is absurd. The Vermont coinage ceased in 1788, when the adoption of the United States Constitution by the requisite number of States made it the supreme law of the land. The amount of copper money coined is unknown. According to Rev. Edmund F. Slafter, during the period between the Declaration of Independence in 1776 and the adoption of the Constitution in 1788, Vermont took the lead in authorizing the issue of coins. An attempt to authorize the emission of paper currency was defeated in October, 1786.

Another act of sovereignty exercised by Vermont about this time was the naturalization of, or granting of the freedom of the State, to Solomon Willard of New Hampshire, and Hector St. John de Crevecoeur and his three children, Frances, William and Philip. De Crevecoeur, at this time, was the French Consul at New York and a friend of Ethan Allen. In a letter to General Allen, he suggested, in view of the fact that new counties and districts soon would be laid out, that the town at the first fall of Otter Creek be called Vergennes; and



that the town at the first falls of the Winooski (the site of the present village of Winooski), be called Castri Polis, in honor of the Minister of Marine. Other suggestions were for towns called Gallipolis, Rochambeau, Noaillesburg, Danville, Condorcet, etc., and counties of Beauveau, Liancourt and Turgot. He also hinted at the flattering honor of a town named St. Johnsbury, as a personal recognition. The Legislature granted his wish in giving the name St. Johnsbury to a town in honor of De Crevecoeur; the name Vergennes, to commemorate the fame of Count de Vergennes, French Minister for Foreign Affairs; and Danville, probably as a tribute to Rochefoucauld, Duke D'Auville.

The first attempt to establish a postal service in Vermont was an act passed by the Legislature in November, 1783, authorizing the payment of nine shillings a week to Samuel Sherman for riding post from Bennington to Albany, N. Y., and return each week until the next meeting of the General Assembly in February. In March, 1784, an act was passed establishing post-offices at Bennington, Rutland, Brattleboro, Windsor and Newbury; and Anthony Haswell of Bennington, one of the publishers of the *Vermont Gazette*, was appointed Postmaster General by the terms of the act. The rate of postage and the postal regulations were the same as those provided by the United States. Owing to the difficult route over the Green Mountains, the post rider from Bennington to Brattleboro was allowed three pence per mile, while the allowance for travel on the other routes was two pence per mile. The privilege of charging fees for the carriage of certain articles added

to the post rider's compensation. The franking privilege was granted to the Governor and such other persons as the Legislature might designate. In March, 1787, the Postmaster General was empowered to establish a postal route from Rutland through Addison county, and to establish post-offices in that county. In 1788 a post rider advertised a route from Clarendon to Jericho, on the Onion (Winooski) River. In 1790 the act granting compensation by the mile to post riders was repealed. This service, meagre as it was, appears to have been as good as that provided in all but the larger towns and cities of the United States at this period.

Another of the rights of an independent government, exercised by Vermont at this time was the negotiation of a trade agreement with a foreign country. In March, 1784, the Council sent to the House a bill empowering the Governor to settle a treaty of amity and commerce with the powers of Europe, which was defeated. During the same session the House refused to pass a bill requesting the Governor to begin a correspondence with the Governor of Quebec relative to opening trade relations between that province and Vermont. In October of the same year the Council unanimously resolved to recommend to the General Assembly the adoption of such measures as appeared most eligible "for opening a free trade and commerce with the Province of Quebec upon terms of reciprocity." The House again refused to accept the recommendation of the Council. A few days later, however, an act was passed, containing a preamble declaring that many advantages would be derived by the citizens of the State as a re-

sult of extending commerce to the Province of Quebec and through that channel to Europe; and authorizing the Governor and Council to appoint a commission not to exceed three persons to go to Quebec and arrange for "the opening a free trade" into and through the province. Ira Allen, Joseph Fay and Jonas Fay were appointed as members of such commission, Levi Allen being named later in place of Joseph Fay, who resigned.

In June, 1785, Ira Allen reported to the Legislature in session at Norwich that he had conferred with Lieutenant Governor Hamilton in Quebec in March of that year, and that, after the Council had been convened, he was informed that the powers vested in that body were not sufficient to permit the negotiation of a treaty of commerce. In the meantime the exchange of the produce and manufactures of Vermont and Quebec were permitted, peltry excepted, pending further negotiations. In April, 1787, Lord Dorchester, Governor of Quebec, issued a proclamation, permitting commercial intercourse between that province and the neighboring States, by land and inland navigation through Lake Champlain. Free importation of ship timber, lumber, naval stores, hemp, flax, grain, peas, beans, potatoes, live stock and poultry was permitted. In return Vermont opened the markets of the State to any article grown, produced or manufactured in Canada, furs and peltry of every kind excepted.

An ordinance of the Governor and Legislative Council of Quebec, issued April 30, 1787, provided for the free importation by way of Lake Champlain and the Sorel River of leaf tobacco, and pot and pearl ashes.

Pine timber was sent from the shores of Lake Champlain and its tributary streams in rafts down the Sorel to the St. Lawrence. This timber, with large quantities of pot and pearl ashes constituted Vermont's principal exports for several years. The export of pot and pearl ashes became so large that early in 1791 an act was passed providing for the appointment of inspectors, who should brand the product and certify the quality intended for exportation. In 1788 the terms of the act were made broader, so that butter, cheese, honey, fresh fish, and gold or silver coin or bullion might be imported into Canada, but the importation of rum, spirits and copper coin were expressly forbidden. In 1790 pig iron was admitted into Canada, provided that every pig of iron so imported should be marked in the molds, in legible letters, with the word Vermont. While these acts, as a rule, did not in so many words apply to Vermont, as such a policy would have been a violation of the peace treaty of 1783, the terms were so phrased that Vermont could comply with them much more easily than any other State.

Although a considerable measure of free trade with Quebec was permitted, an attempt was made by Matthew Lyon to establish a protective tariff policy. In October, 1785, he petitioned the Legislature that a duty of two pence per pound be laid on all nails brought into the State, which would be considered sufficient encouragement to warrant the building of a slitting mill. This petition was dismissed. Lyon already had been granted the right to purchase broken cannon and mor-



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tars, at Mount Independence, to be used in making bar iron.

With wonderful foresight, Ira Allen entered into negotiations with Canadian, and later with British officials, relative to a ship canal to connect the St. Lawrence River and Lake Champlain, and, although he did not live to see a canal constructed, his sagacity is worthy of commendation.

During the troubled years when Vermont's existence as a State was threatened by foes within and without her borders, an asset of undoubted value was the power to grant public lands. That these grants were made not infrequently in a manner which strengthened the new State is indicated by the correspondence of public men of that period. A study of the charters granted shows that many Revolutionary officers received grants of public lands.

Seven towns were granted in 1779, Bethel, Derby, Fair Haven, Isle of Motte (Isle La Motte), Two Heroes (North Hero and Grand Isle), Norton and Holland. The number granted in 1780 was eighteen, as follows: Benson, Westfield, Enosburg, Wardsboro, Athens, Richford, Landgrove, Lincoln, Londonderry, Coventry, Jamaica, Lyndon, Philadelphia (later annexed to Goshen and Chittenden), Littleton (later called Waterford), Navy (later called Charleston), Starksboro, Caldersburg (later called Morgan), and Montgomery.

Forty-two townships were granted in 1781, more than in any other year. They were Berkshire, Alburgh, Random (later called Brighton), Hyde Park, Pittsfield,

Williamstown, Wolcott, Wildersburgh (later called Barre), Washington, Braintree, Rochester, Victory, Elmore, Greensboro, Westford, Vershire, Newark, Calais, Brookfield, Kingston (later called Granville), Riptown (Ripton), Woodbury, Orange, Roxbury, Northfield, Searsburgh, Royalton, Turnersburgh (later called Chelsea), Minden (later called Craftsbury), Morristown, Concord, Cambridge, Salem (later annexed to Derby), Eden, Cabot, Rochester, Irasburgh, Medway (later called Minden), Montpelier, Hardwick, Fletcher and Walden.

Ten townships were granted in 1782, as follows: Deweysburg (later annexed to Danville and Peacham), Lutterloh (later called Albany), Burke, Randolph, Jackson's Gore (later united with a part of Ludlow as the town of Mount Holly), Fayston, Waitsfield, Billymead (later called Sutton), Canaan and Norfolk (later annexed to Canaan).

Glover was the only township granted in 1783, and no grant was made in 1784. Only one township, Wheelock, was granted in 1785. In 1786 St. Johnsbury and Danville were granted. No grants were made in 1787 or in 1788.

Four townships were granted in 1789, Barton, Huntsburg (later called Franklin), Warren and Groton. The townships granted in 1790 were Marshfield, Hopkinstown (later called Kirby), East Haven and Brownington. One township, Bakersfield, was granted in 1791, before the State was admitted to the Union.

In most of these grants the Governor and a few influential Vermonters were given rights or lots of land

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according to the custom which prevailed when Governor Wentworth and his relatives and associates received land grants during the colonial period. Among the names of the grantees may be found many Revolutionary officers, public men and clergymen, residing in other New England States.

Wolcott was named for, and granted in part to, Gen. Oliver Wolcott of Connecticut, signer of the Declaration of Independence, member of the Continental Congress, soldier and Governor. Barton was granted to Col. William Barton of Rhode Island, who captured Sir William Prescott, the British commander; to Paul Jones and others. Gen. John Stark was one of the grantees of Starksboro. Jonathan Arnold, a member of Congress from Rhode Island, was one of the grantees of St. Johnsbury, Newark and Lyndon, the last named town having been given the name of Mr. Arnold's son, Lyndon. Glover was named for, and granted in part to, Gen. John Glover, a well known Massachusetts officer. Among the grantees of Montgomery were Rev. Ezra Stiles, seventh president of Yale College, Rev. Jonathan Edwards, a son of the famous preacher, and eleven other clergymen. Elmore was granted to Col. Samuel Elmore and other Revolutionary officers, and to certain clergymen.

Enosburg was named in honor of Gen. Roger Enos; Deweysburg for Capt. Elijah Dewey; Alburgh and Irasburgh for Ira Allen; the Two Heroes for Ethan Allen, Samuel Herrick and other Revolutionary officers; Woodbury for Col. Ebenezer Wood; Norton for Jedediah Norton; Huntsburgh for Jonathan Hunt; Hyde

Park for Jedediah Hyde; Hopkinsville for Roswell Hopkins. Wheelock was granted to Dartmouth College and Moor's Indian Charity School, and was named in honor of Rev. John Wheelock, president of the college.

The period between the declaration of peace in 1783 and the admission of Vermont to the Union in 1791, was one of rapid growth in the Green Mountain Commonwealth. First settlements were made in sixty towns and in sixty-seven others there had been development sufficient to warrant the organization of town governments.

The towns which were settled during these years were Bakersfield, Barre, Berlin, Braintree, Bristol, Brunswick, Calais, Cambridge, Canaan, Charlotte, Chelsea, Concord, Craftsbury, Danville, Duxbury, Elmore, Essex, Fairfax, Fairfield, Ferrisburg, Fletcher, Franklin, Georgia, Granby, Groton, Hancock, Hardwick, Highgate, Huntington, Hyde Park, Johnson, Leicester, Lemington, Ludlow, Lyndon, Middlesex, Montpelier, Moretown, Morristown, Northfield, North Hero, Pittsfield, Roxbury, St. Albans, St. George, St. Johnsbury, Sheldon, Sherburne, South Hero, Starksboro, Stockbridge, Sutton, Waitsfield, Walden, Waterbury, Waterford, Westford, Wheelock, Williamstown and Wolcott.

The towns in which local governments were set up during the same period were Barnet, Benson, Berlin, Braintree, Brandon, Bridgewater, Bridport, Brookfield, Cabot, Cambridge, Charlotte, Chelsea, Chittenden, Corinth, Cornwall, Danville, Essex, Fairfax, Fairfield,



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Fair Haven, Ferrisburg, Fletcher, Georgia, Granville, Greensboro, Highgate, Hinesburg, Hubbardton, Huntington, Hyde Park, Isle La Motte, Jericho, Johnson, Leicester, Lyndon, Middlebury, Middlesex, Middletown Springs, Milton, Montpelier, Mount Tabor, New Haven, North Hero, Orwell, Panton, Peacham, Plymouth, Randolph, St. Albans, St. Johnsbury, Salisbury, Shelburne, Shoreham, Stratton, Swanton, Tunbridge, Vergennes, Vershire, Wardsboro, Washington, Waterbury, Weybridge, Whiting, Williamstown, Williston and Wolcott.

The principal settlements during this period were in what are now known as Caledonia, Chittenden, Essex, Franklin, Lamoille and Washington counties. The organization of town governments was chiefly in Addison, Chittenden, Franklin, Orange and Rutland counties. The settlement of the southern counties of the State was well advanced before the close of the Revolution, but had hardly begun in what is now known as Orleans county.

One of the difficult problems which the new State was called upon to solve was how to settle equitably the controversies over land titles. A considerable period had elapsed between the granting of lands by Governor Wentworth and the settlement of the townships on the Grants. Land surveys had been made by various persons, some of whom were rather careless in the running of the lines. The State had no plan of these surveys. There was no office in which deeds were recorded and no opportunity existed for an examination of land titles. Proprietors were anxious to dis-

pose of their grants and were not always particular to ascertain that the property sold was free from all claims that might embarrass the purchaser. With overlapping claims and a lack of clear and definite surveys, great confusion resulted. Certain unscrupulous men made a practice of selling lands to credulous buyers to which they had not a shadow of a claim, never having made a purchase. According to Daniel Chipman "a great portion" of the Vermont settlers had purchased defective titles. Thus the granting of some measure of relief became a matter of necessity. Chipman has suggested that after the long controversy with New York, in defence of their homes, the people of the new State could not be expected to support a government that would deprive them of the farms they had cleared and made productive.

Governor Chittenden recognized the peril to the State and the justice of a demand for relief, and in 1780 he proposed to the Assembly "the making such resolves as will in equity quiet the ancient settlers." Already Ira Allen had been appointed Surveyor General, an act had been passed to prevent unlawful settlement on unappropriated lands. In 1781 the first betterment act was passed, which permitted a settler who had purchased lands in good faith, to recover for the improvements he had made such sum as the court might consider equitable. The matter was not satisfactorily settled and in 1784 another act was proposed permitting the increased value of the land to be recovered after the deduction of six per cent per annum on the original value of the land. This bill failed of passage, but the

Secretary of State was directed to send printed copies to each Town Clerk, who, "after taking the sense of their towns," should certify the returns to the General Assembly. At the June session in 1788, this referendum vote was reported, seventy-five persons favoring the measure and five hundred and eight opposing it. After debate the Assembly again defeated the bill by the close vote of twenty-nine to thirty-one. A committee was appointed to bring in another betterment bill, two of the members being Isaac Tichenor and Nathaniel Chipman. This bill, which Judge Chipman was instrumental in framing, provided that a jury might assess the value of lands in dispute, estimating the value before and after improvements were made, the possessor to have one-half of the increase in value of land, together with the just value of the improvements and betterments. Daniel Chipman, in his "Life of Nathaniel Chipman," asserts that this law, "perfectly novel in its character," was adopted later by several other States.

The first Council of Censors, elected in March, 1785, as provided by the Constitution, consisted of the following members: Gen. Ebenezer Walbridge of Bennington, Jonathan Brace of Manchester, Micah Townsend of Brattleboro, Ebenezer Marvin of Tinmouth, Increase Moseley of Clarendon, Col. Elijah Robinson of Weathersfield, Joseph Marsh of Hartford, Ebenezer Curtis of Windsor, John Sessions of Westminster, Jonathan Hunt of Vernon, Benjamin Carpenter of Guilford, Stephen Jacob of Windsor and Rev. Lewis Beebe of Pawlet. Increase Moseley was elected president.

Three sessions were held, one at Norwich in June, 1785, one at Windsor the following September and one at Bennington in February, 1786. The repeal of various legislative acts was recommended, some of which were considered unconstitutional. The penalties imposed by certain laws were considered too severe, and others, it was believed, failed to recognize the difference that should exist between the legislative, executive and judicial departments.

The address of the first Council of Censors to "the freemen of the State of Vermont," issued at Bennington February 14, 1786, was a very frank and critical review of the executive and legislative departments of the State during the first eight years of its existence. The alterations proposed to the Constitution were made, according to the report, in order that the government might be "less expensive and more wise and energetic."

The election of persons to judicial and executive offices during good behavior was not favored. It was urged that officers of the greatest influence and importance, at stated periods should be reduced to the common level that they might be reminded constantly "of their political mortality."

Before criticising various departments of government, the Council recognized the fact that with divine aid "a few husbandmen, unexperienced in the arts of governing, have been enabled to pilot the ship (of state) through storms and quicksands, into the haven of independence and safety." The executive and legislative branches of government were censured for encroaching each upon the other and the Legislature was charged



with assuming judicial functions. Fickleness and want of deliberation were charged against the lawmakers. The Council's criticism of early legislation has a very familiar sound to modern ears and might be recognized as applicable to many States beyond the shadow of the Green Mountains. The report declared: "Few acts of general concern but have undergone alterations at the next session after the passing of them, and some of them at many different sessions; the revised laws have been altered, re-altered, made better, made worse, and kept in such a fluctuating position that persons in civil commission scarce know what is law or how to regulate their conduct in the determination of causes." Reference is made to "the dissipation of a considerable part of the public lands in this State at so early a period that settlements could not be made, and in most cases were not stipulated to be made, before the conclusion of the war, and at a time when actual surveys could not be performed; and the public is deprived of a fund, which, if rightly managed, would probably defray the ordinary expenses of government. The ungranted and confiscated lands seem to have been a boon conferred by Providence for the support of our republic in its infancy, while its subjects were unable to pay taxes; yet the first septenary has seen the whole, or nearly the whole of them, squandered, and the inhabitants will have reason to think themselves peculiarly fortunate if they yet escape paying considerable sums on account of them."

This criticism does not seem altogether fair. The revenue from confiscated lands had been used to bear a considerable portion of State expenses in a time of

war. Not a few of the land grants were made, apparently, in order to secure friends for the new State at a time when enemies surrounded it, and the very existence of the commonwealth was threatened. If there had been less haste in granting lands no doubt the State would have gained by greater deliberation. After an emergency has passed it is very easy to show how it might have been met more wisely. If foresight were as common a virtue as retrospective wisdom then all legislators might be statesmen.

A revision of the Constitution and the repeal or amendment of twenty-one legislative acts were recommended by the Council of Censors. Among the constitutional changes proposed was the plan of limiting the number of Representatives in the General Assembly to fifty, to be elected either by districts or by county conventions to which each town should be entitled to one delegate, only members of the convention to be eligible to election to the Assembly. The *Vermont Gazette*, under date of March 26, 1786, printed a report from Poultney to the effect that the inhabitants of that town burned a copy of the proposed revision of the Constitution.

A special election was held on the second Tuesday of June, 1786, and one delegate from each town was elected to attend a convention called at Manchester to pass upon the constitutional changes recommended by the Council of Censors. Newspaper reports indicate that Governor Chittenden was not altogether pleased with the criticisms of the Council or with some of the changes proposed. The Convention met at Manchester

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on June 29 and on July 4 the revised Constitution was certified. The changes made were not many. The proposal to elect members of the Legislature by districts was defeated as were some other amendments suggested. Provision was made for defining with greater distinctness the duties of the executive, legislative and judicial departments of government. The people "by their legal representatives," were to have the sole right to govern and regulate the police affairs of the State. A qualified veto power was conferred upon the Governor and Council. They were also given the power to propose amendments to bills passed by the Assembly, and if that body did not concur in these amendments then the Governor and Council might suspend the passage of such measures until the next session.

The period following America's declaration of peace with Great Britain was one of great unrest in most of the States of the Confederation. The authority of Congress was little more than a shadow. Many of the soldiers who had won a victory for American arms had not been paid. Private debts had been contracted on a large scale. Hard money was seldom seen in circulation. Paper currency had depreciated to such an extent that its value was questionable. Courts had held few sessions during the war.

Conditions in Vermont were not as serious as in most of the thirteen States. Vermont had no State debt and not being a member of the Union was not obligated to pay any portion of the national debt. General conditions applying to individuals were much the same in the new commonwealth as elsewhere. The terms of many

of the grants made by the State Legislature provided that one family must be settled on each right within three years "next after circumstances of the war would admit of a settlement with safety." As soon as peace was declared many settlers flocked into the new State, a considerable number of whom, it may be assumed, were not able to pay in full for their farms. The expenses of the surveying and allotting of lands, the building of houses, and all the costs incidental to the opening of a new country, resulted in much indebtedness. This state of affairs, together with frequent disputes over land titles, was a fruitful source of litigation. In Vermont, as in most of the American States, at this time, there arose an outcry against the courts and the lawyers. This discontent found expression in the *Vermont Gazette*. A Bennington man, writing anonymously, complained that more than one-half the county tax was assessed to pay court expenses, and asked why he and other poor farmers who owed nothing, who never had and never expected to have a case in court, should have to pay the costs of its sitting.

About this time, January, 1784, a convention of the discontented was held at Wells, consisting of inhabitants of that town and vicinity. Resolutions were adopted calling for a redress of grievances, but they were not printed in either of the Vermont newspapers, published in 1784. A poetic summary declares:

"Then lawyers from the courts expell,  
Cancel our debts and all is well—  
But should they finally neglect



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To take the measures we direct  
Still fond of their own power and wisdom,  
We'll find effectual means to twist 'em."

The feeling of discontent increased to such an extent in Vermont that late in the summer of 1786 Governor Chittenden felt impelled to take notice of the spirit of unrest in an "address to the Freemen of Vermont." The distresses occasioned by the lack of a circulating medium he attributed in part to the devastation and suffering caused by the war. He called attention to the large indebtedness of the United States, in addition to the obligations incurred by the several States, while Vermont, lacking credit, had been compelled to pay its share of war expenses when they became due, and consequently at this time was practically free from debt. The State tax of Stockbridge, Mass., was seven hundred and forty-six pounds, fifteen shillings greater than that of Bennington, the population of these towns being about the same.

The Governor said: "In the time of the war we were obliged to follow the example of Joshua of old, who commanded the sun to stand still, while he fought his battle; we commanded our creditors to stand still while we fought our enemies. Tho' we had no power to borrow money, we had power to retain what we had, and improve it for the safety of the whole."

In his opinion too many articles grown or manufactured in foreign countries had been purchased, instead of producing flax and wool, these draining the State of much of its ready money and most of its cattle. Law-

suits had become so numerous that there was hardly enough money in circulation to pay for entering the actions. Much of the court business was taken up with attempts to avoid executions, and many persons, to prevent the sale of their property at auction, subjected themselves to the expense of two or three executions for one debt. The Governor believed that the expense of lawsuits for the two years preceding had been nearly equal to that of any two years of the war. He added: "For a remedy one cries a tender act, another a bank of money, and others, 'kill the lawyers and deputy sheriffs'."

The remedies proposed he considered but temporary, the most substantial relief being afforded by prudence, industry and economy. He favored raising and manufacturing every article Vermont could produce which would include, in his opinion, nineteen-twentieths of all that was needed. He recommended that in the future taxes should be laid on lawsuits and on all articles imported into the State, absolute necessities alone excepted. He favored a bounty on sheep and on flax and the taxation or forfeiture of lands in new townships not settled within a proper time.

Governor Chittenden sincerely wished that some method might be devised "to ease and quiet the people," without either a tender act or the issuing of paper money. Regarding financial matters he said: "If a small bank of money should be struck and loaned (by the State) to those that would take it on interest, to be paid annually, on such security and for such term as the Assembly shall think proper, and make it a tender

on all debts on which a prosecution is or shall be commenced, the interest of the money and the money arising from the tax above mentioned would pay the annual expenses of government in times of peace, and soon redeem the notes and orders that are out; it would prevent four-fifths of the lawsuits, and some part of the Sheriffs, their deputies, part of the Constables, and all the pettifoggers might go to work."

When the Legislature met at Rutland in October, 1786, petitions adopted at town meetings were presented from Castleton, Clarendon, Danby, Manchester, Pawlet, Pittsford, Tinmouth and Wallingford. Objection was made to the needless cost of justice, and the unequal mode of taxation. It was asked that the expenses of government be laid upon the owners of property in proportion of the true value of the property protected rather than upon "the middling farmer and laboring man." The session was a stormy one, the dissatisfied element being largely represented. Two acts were passed to meet the demands, one "making all such articles a tender upon execution to the inhabitants of other States as were a tender in their respective States." Another act compelled creditors to receive specified articles in payment after the time limited in the contract. It was agreed to ask the voters of each town on the first Tuesday of January, 1787, to express their opinion as to "the expediency of emitting a small bank of paper money, in loan or otherwise, or bringing the present tender act to the end of the next session of Assembly"; and also "upon the expediency of making any further, and what laws upon the subject." According to Daniel

Chipman this referendum was devised by Nathaniel Chipman, Elijah Dewey, Gideon Olin, Thomas Johnson and Lemuel Chipman to delay or defeat the adoption of radical measures which they felt certain would increase and prolong the sufferings of the people.

Nearly two hundred farmers from ten towns of Rutland county, on August 15, 1786, assembled at Rutland during a session of the Supreme Court, held at that place, apparently as a protest against what was considered the harrassing and confusing conduct of the lawyers. The report of the meeting published in the *Vermont Gazette* declares that the men who participated in its deliberations "were not directly touched nor infringed upon by those pickpockets (which banditti is known by the name of attornies)." It is recorded that "nothing of a riotous or unlawful nature took place," and this moderation, possibly unexpected, "gained the thanks of the Honorable Court." Plans were made for a county convention to be held at Middletown September 26, but no record of such a meeting is to be found in the State newspapers. A postscript attached to the description of the Rutland meeting indicates that these farmers were not without a press agent. It reads as follows: "Take notice how you impose upon those who have passed thro' the wilderness, and endured fire, famine and the sword towards obtaining their own rights and the liberties of mankind."

The condition of unrest that prevailed in Vermont at this time next showed itself at Windsor, October 31, 1786, on the day set for the convening of the Court of Common Pleas. At this time a mob consisting of about



thirty armed men, led by Benjamin Stebbins, a farmer, and Robert Morrison, a blacksmith, both residents of Barnard, assembled "with guns, bayonets, swords, clubs, fifes and other warlike instruments," with the intention, it was supposed, of preventing the opening of court. Sheriff Benjamin Wait and State's Attorney Stephen Jacob met these men, the riot act was read and they were ordered to disperse. The order was obeyed and court was opened without disturbance.

At a session of the Superior Court, held on November 14, Robert Morrison pleaded guilty to a charge of rioting, and was sentenced to suffer imprisonment for one month, pay a fine of ten pounds and costs and secure bonds in the sum of one hundred pounds for his good behaviour for two years. Morrison's associates, upon learning of the penalty imposed, assembled at the home of Capt. Timothy Lull in Hartland, about five miles from the Court House, to the number of forty or fifty, with arms in their hands, planning a rescue. Hearing of this proceeding, Captain Dart of Weathersfield assembled his company and the Windsor militia were called out. On the morning of November 17, Colonel Wait, the Sheriff, with about forty men, eluded the insurgent guards, entered Captain Lull's house in two divisions, and after a brief encounter, in which bayonets, clubbed muskets and clubs were used, twenty-seven insurgents were captured, although the leaders escaped. Sheriff Wait, State's Attorney Jacob and others of the attacking force were wounded. The prisoners were lodged in jail and on the following day were arraigned in court. Fearing that an attempt would be made to

rescue these men, six hundred soldiers were assembled at Windsor under the command of Gen. Peter Olcott. The insurgents, reinforced by one hundred men, assembled again at Captain Lull's home, but learning of the number of men guarding the court, decided that this was no time for warlike measures, and dispersed. The prisoners on trial were fined and placed under bonds to keep the peace for one year.

When Rutland County Court convened on November 21, 1786, a considerable number of dissatisfied persons, some of whom were armed with bludgeons, gathered about the Court House. After the morning adjournment a committee waited upon the judges and presented a petition, asking that court adjourn without day.

At the opening of the afternoon session Col. Thomas Lee of Rutland, recently released from prison on taking the poor debtor's oath, with one hundred followers, rushed into the Court House, and "in a most insolent and riotous manner" upbraided, and threatened the Judges for not adjourning in accordance with the request made. Judge Increase Moseley, who was presiding, ordered court adjourned until the following morning.

The mob refused to permit the Judges to depart. Arms which had been concealed in a neighboring house were brought, sentries were posted and the officials were kept as prisoners for two hours. Finding that the Judges were not easily overawed the mob permitted them to depart. Later a committee again called on the Judges and asked for an adjournment of court, but the members were informed then that the honor and dignity of gov-

ernment would not permit the granting of the request. The mob thereupon took possession of the Court House and sent out a call for reinforcements. That evening Sheriff Jonathan Bell sent orders to Cols. Isaac Clark, Stephen Pearl and Lieut. Col. John Stafford to raise the militia of Rutland county. On the following morning a sufficient force appeared to guard the court from insult. As the militia arrived in considerable numbers the mob considered it prudent to leave the Court House. They remained about the building, however, all day to the number of one hundred and fifty, making no effort to interfere with the court. Early in the evening several of the leaders of the mob were arrested and committed to jail, but Col. Thomas Lee escaped.

Capt. Benjamin Cooley of Pittsford, commanding a body of insurgents, having retired to a house about a mile distant, Capt. Noah Lee and Lieut. James Sawyer with a party of sixteen men, were sent to arrest them. Considerable resistance was offered and several shots were fired. One of the soldiers was slightly wounded, and in attempting to escape one of the insurgents suffered a broken arm. Jonathan Fassett of Pittsford and eleven others were placed on trial. All but two were found guilty and were fined amounts ranging from six to twenty-five pounds each, with costs, and were placed under bonds to keep the peace.

The militia were discharged on Saturday evening, November 25, and on Sunday morning started for their homes. Before they had proceeded far it was reported that two hundred malcontents were assembled at the home of Col. James Mead in Rutland, and the court

ordered the recall of the troops. Colonel Pearl posted his forces in such a manner that the insurgents were between two bodies of soldiers. The Regulators, as the malcontents styled themselves, were visited by friends of law and order and it was learned that false reports had been circulated, charging the court with fraud and outrageous cruelty in the treatment of prisoners. Explanations were made with such success that many of the Regulators joined the militia in defence of the court, and those who were left dispersed. Quiet having been restored, the soldiers were discharged on Monday morning.

A sequel to this uprising appears in the action of the General Assembly on February 28, 1787, when every vote was cast in favor of expelling Jonathan Fassett, leader of the mob, who had been elected a member. Fassett had been a County Judge and four times had been elected a member of the Legislature. After this rebuke he never held any important public office. The thanks of the General Assembly were voted to the officers and soldiers who had suppressed the insurrection. At this session an act was passed making neat cattle, beef, pork, sheep, wheat, rye and corn a legal tender, the value of these commodities to be appraised by men under oath. The result of the popular vote, or referendum, ordered by the October session of the General Assembly, was as follows:

1. Shall there be established a bank for the issue of paper money on loan to the people? Yeas, 456; nays, 2,197.



2. Is it expedient to pass a general tender act? Yeas, 150; nays, 881.

3. Shall the present act making articles a tender on execution be continued? Yeas, 481; nays, 611.

4. Shall the act for the fulfilment of contracts in kind after the specified time of payment is elapsed, passed in October, 1786, be continued? Yeas, 855; nays, 225.

At this session that portion of Vermont north of the counties of Windsor and Rutland was divided between Addison and Orange counties.

A letter which appeared in the *Vermont Gazette* early in 1787, in support of an issue of paper money gives a picture of the distress that prevailed, and allowing something for possible exaggeration it presents a deplorable state of affairs. The writer declared that money was not to be obtained by mortgages on real estate. A landholder could obtain not more than one-fourth the price for which his farm would have sold in ready money before the war. The greater part of the yeomanry were more in debt than the present value of their estates. The produce of the farms for the past season available for market would not more than pay the taxes due, so that the entire earthly possessions of the people would not extricate them from debt. In the opinion of the writer nine-tenths of the people were suffering from the conditions described. In certain townships property had depreciated in value seventy-five per cent in three years. Calls for money had increased tenfold during the war and the means of obtaining it had been reduced in nearly the same proportion.

In some States money might be secured at four per cent per month by depositing sufficient security. Such was the necessity for a circulating medium that the number of neat cattle in the hands of farmers had depreciated thirty-three and one-third per cent and sheep, seventy-five per cent.

In February, 1787, the Legislature passed an act fixing the value of contracts based on the value of Continental money. The value of one of these paper dollars in gold or silver ranged from par value, September 1, 1777, to a value of seventy-two Continental dollars to one dollar in hard money, September 1, 1780. In addition to the natural depreciation due to economic conditions, the paper money was easily counterfeited. Bogus foreign coins were also issued. In the summer of 1785 a man tried at Bennington on the charge of counterfeiting, was found guilty and was sentenced to have his right ear cropped, to be branded in the forehead with a letter C and to be imprisoned for life.

For several years the real standard of value was neither the dollar nor the pound, but a bushel of wheat.

There was great discontent in Massachusetts during the closing months of the year 1786, which manifested itself in convention, in interference with the holding of courts, in rioting and finally in an armed uprising. The leader of these malcontents was Daniel Shays, who had served as a Captain in the Revolutionary War. Ira Allen is authority for the statement that before the insurgents attempted to capture the Springfield, Mass., Arsenal, January 25, 1787, Shays sent two of his officers to Gen. Ethan Allen, offering him the command of the

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revolutionary army. General Allen contemptuously refused the offer and ordered the messengers to leave the State. After the defeat of the insurgents it was reported that some of them had sought shelter in Vermont, and General Lincoln in command of the Massachusetts troops sent an aide, Maj. Royall Tyler, in later years one of Vermont's most distinguished men, asking Governor Chittenden to aid in apprehending the rebels.

Documents from Governor Bowdoin of Massachusetts, General Lincoln and Major Tyler were referred to a committee of the Assembly and by a vote of twenty-four to thirty-six it was recommended that the Governor issue a proclamation which he did, on February 27, solemnly warning all citizens not "to take arms in support of, or engage in the service, or contribute to the relief of the abettors and formulators of the said rebellion." They were also commanded not to "harbor, entertain or conceal" Daniel Shays, Luke Day, Adam Wheeler and Eli Parsons, the principal aiders and abettors of the rebellion. Apparently Governor Chittenden did not consider it wise to deal harshly with the insurgents, fearing lest immigration into Vermont might be checked.

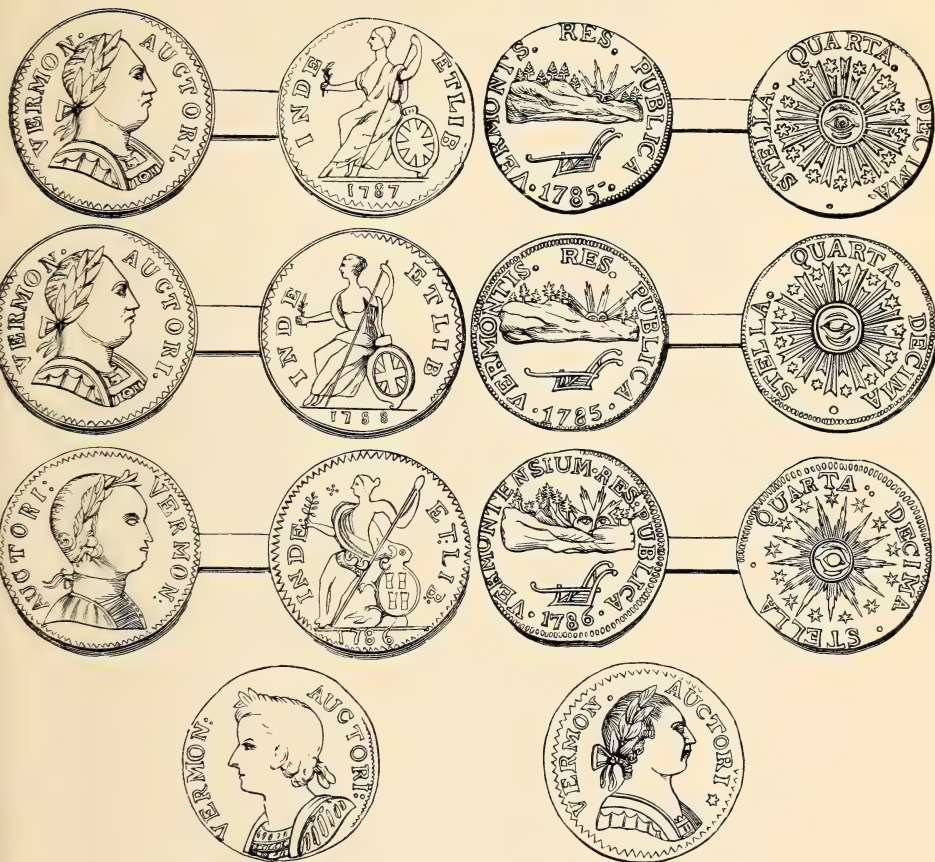
Early in March General Lincoln was informed that Shays, Parsons and other insurgent leaders were in the Otter Creek region of Vermont, that their followers were discouraged, some of them planning to return to Massachusetts, while others were seeking settlements in the new State. A letter from Berkshire county, Massachusetts, dated February 21, 1787, said: "To encourage emigration it is thought the Vermonters will give the

rebels protection. Shays, it is said, has fixed his abode there, whither his wife and family have gone after him."

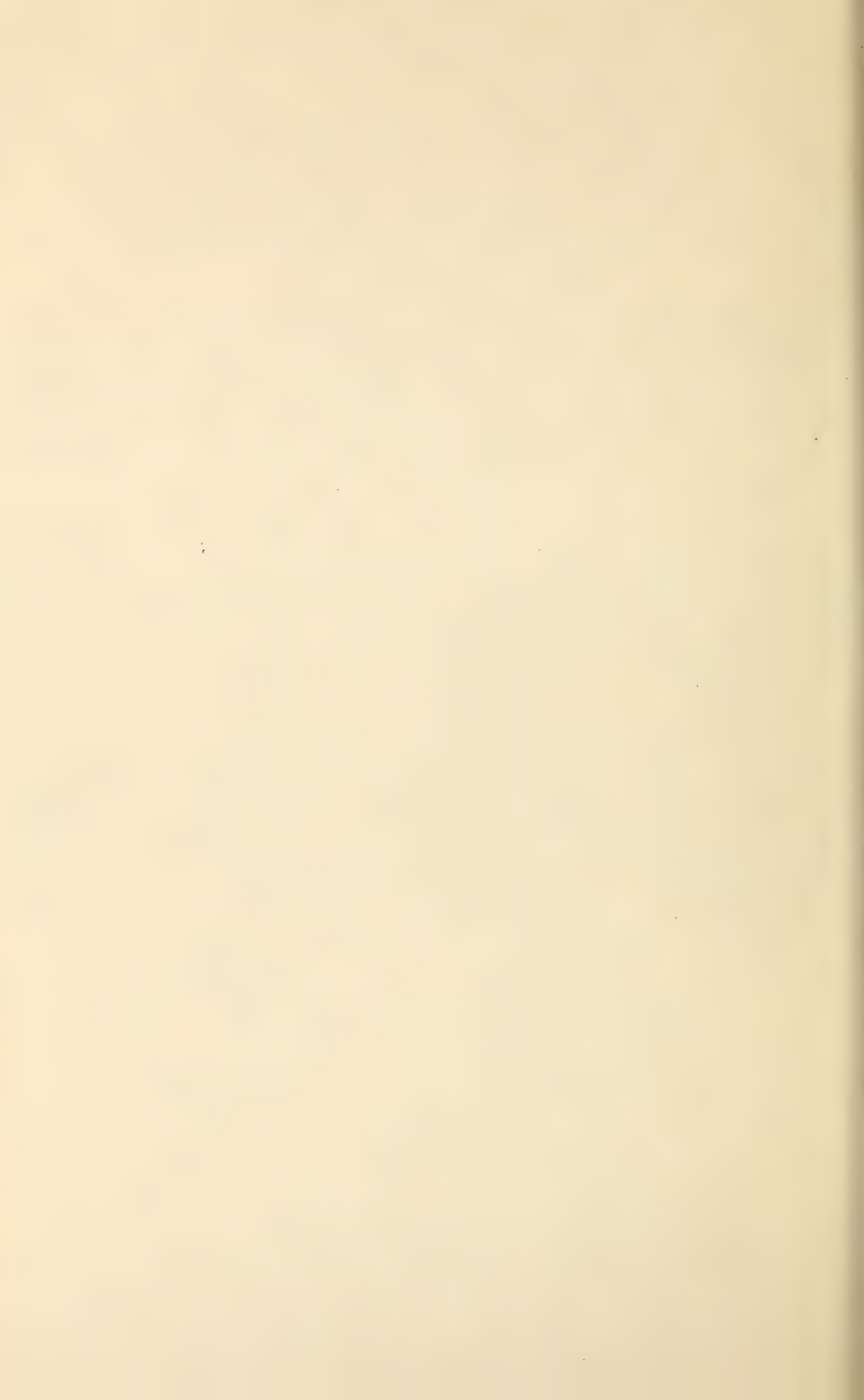
The *Vermont Gazette* reported that about one hundred of the Massachusetts rebels who had been dispersed by the militia, assembled in convention on April 30 at the residence of Captain Galusha in Shaftsbury to agree on measures continuing their opposition to the authorities. The town officials, alarmed at such a gathering, demanded the occasion of the meeting. The insurgents were informed by Judge Gideon Olin that if they had met to petition the government of Massachusetts for pardon and permission to return to their homes, then their proceedings would be deemed highly commendable, but if their business was to concert plans for committing further depredations and continuing their opposition to the State authority, then they must disperse immediately. Their spokesman, a Colonel Smith, declared that the time for petitioning was at an end. Sheriff Jonas Galusha arrived for the purpose of dispersing the company. Permission was asked for a brief conference, following which the rebels dispersed, proceeding to White Creek, N. Y.

Small companies of Shays' followers appeared from time to time during the early part of the year 1787 in various towns of southern Vermont. Several of the insurgent officers were dispersed at the public house of Major Billings, in Bennington, and others were reported in Wilmington and Pownal. About the middle of July, Shays and two of his aides were seen in Arlington. A little later two notorious offenders affiliated with the





Early Vermont Coins



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rebels were arrested in the Onion River region on the charge of stealing horses and other property from residents of Berkshire county. They were conducted to the State line by the Sheriff, who delivered them to the Massachusetts authorities.

A correspondent of the *Vermont Gazette* observed that the wisdom of Vermont never was more conspicuously shown than in the refusal to harbor the leaders of Shays' Rebellion. He added that, although New York newspapers had criticized Vermont, most of the conventions of Shays' followers were held in the State of New York. Ethan Allen wrote Col. Benjamin Simmons on the third day of May informing him that the rebels were attempting to form unlawful associations in Vermont, and he declared that "this Government are taking the most effectual measures to prevent the mischievous consequences which may be consequent thereon. You may depend that this Government are so alarmed at the present conduct of your insurgents they will cordially consult any measures with your government which may be requisite for the mutual peace of both."

The charges made from time to time against the integrity of Ira Allen's conduct of the offices of Treasurer and Surveyor General are of sufficient importance to warrant more than casual mention, for two reasons, because of his prominence as one of the founders of the State, and, because in his defence, he summarizes important historical facts. In September, 1786, Colonel Allen was defeated for reelection as State Treasurer. A few weeks earlier, in July of the same year, he had issued a lengthy address, printed in instalments in the two Vermont newspapers, defending his official conduct.

In this statement he asserted that as early as June, 1779, he had applied to the Legislature for the appointment of auditors to settle his public accounts. For several sessions thereafter he repeated the request without success. In June, 1781, he called attention to the necessity of a settlement with the several commissioners of sales and sequestrations, owing to the depreciation of Continental money. At this session Isaac Tichenor and Nathaniel Brush were appointed Auditors. As Allen was about to leave for Philadelphia as one of the agents to Congress, he was called upon for a settlement. He replied that he would be unable to do so until he returned. Soon after this mission was completed he was directed by the Governor to proceed to Skenesborough (Whitehall) with Joseph Fay to meet the British commissioners for the exchange of prisoners. Taxes had to be made out and only a few days remained before the October session of the Legislature convened.

Disturbances having arisen in the "West Union," Colonel Allen was directed to visit this region "in order to quiet the people." On his return, he says, "the Governor had received information of the hostile intentions of the General Court of New Hampshire in consequence of which I was appointed by authority to repair to said court, without loss of time, in order if possible, to prevent a civil war, pregnant with great evils to this and the United States of America." When he reached home Colonel Allen was sent to Philadelphia with others to work for Vermont's admission to the Union. When these journeys were completed Colonel Allen put his



accounts in order and notified Messrs. Tichenor and Brush that he was ready to wait on them, but no reply was received. In his statement he referred with no little indignation to assertions made in the Assembly by Mr. Tichenor, while Colonel Allen was absent on public business, that the Treasurer's books should be brought into the Legislature for examination, and that the public money was in danger of being embezzled. To the charge that he had held several offices he replied that he had drawn only one salary. To frequent suggestions that he should receive other perquisites his replies had been invariably, to quote his words, "That I did not take such unwearied pains as I had in assisting to establish government here, merely for pecuniary rewards of office; but that it was to establish freedom and to hand down to posterity the blessings of a free government and to secure my landed interest, in conjunction with that of other landowners; that I was willing to contribute my mite for the public good, until the independence of the State should be acknowledged by other powers; that I should not receive more than my debenture of council, or one pay."

After the reading of Colonel Allen's statement, Major Tichenor replied that the Auditors had called for a settlement from the Treasurer without success; that a request for the names of the Commissioners of Sequestration had been only partially complied with; and that the Treasurer declared that he should not account for more money than the sums for which the Auditors could produce receipts. Moses Robinson, however, declared that he visited Colonel Allen with the Auditors and that

he heard no such statement as that attributed by him to the Treasurer. A certificate was presented from Col. Matthew Lyon, saying that Jonas Fay, Colonel Walbridge and himself in 1779 examined the Treasurer's accounts "and found regular accounts of debt and credit cheerfully exhibited."

After deliberation the General Assembly elected two more Auditors, Micah Townsend and Jonathan Brace, and provided that the results of the examination should be made public. In a statement issued at Sunderland, April 25, 1787, signed by Samuel Mattocks and Roswell Hopkins, figures were given showing that instead of having a shortage in his accounts the State owed Ira Allen a considerable sum.

About this time Colonel Allen published in the Vermont newspapers a statement concerning his work as Surveyor General. He said that when the Legislature, in June, 1779, first took up the matter of obtaining charters for record, in order to regulate town lines and locate vacant lands, embarrassing conditions were found to exist, due to the fact that Governor Wentworth carried the book of charters to Great Britain and that many charters were deposited with New York and were not otherwise to be found.

Reviewing the granting of charters by the State, he said: "In September, 1779, Congress passed a resolution directing the good people of the United States not to dispose of any more confiscated states, or to grant any unappropriated lants. The Legislature convening the succeeding October, and taking the resolution of Congress into consideration, observing that Congress

was not vested with power to interfere with the internal police of the State, much more one that was not represented, and being apprised that it was the intention of their adversaries to cut off their finances in this way, knowing that intestine broils were such that taxes could not then be collected. Without money the frontiers could not be defended or the wheels of government kept in motion. In this situation the Legislature assumed that power which God and nature had blessed them with. They disposed of vacant lands for the preservation of the commonwealth. This judicious and determined procedure disheartened our enemies, encouraged and strengthened our friends, and the money answered to their immediate purposes of government.

“In October, 1780, the Legislature convened in Bennington when government matters were exceedingly embarrassed. About one-fourth part of her citizens opposed to her government; the States of New Hampshire, Massachusetts and New York, claiming jurisdiction against each other, making use of every device human art could invent to divide and subdivide the citizens of this State; Congress passing resolutions against the State and ordering all the Continental troops, stores and tools out of its frontiers; a powerful and enraged army in Canada, whose object appeared to be to lay the frontiers of this State waste, to pave the way to wreak vengeance in Albany, &c. Some of our frontiers were burnt by the enemy; and their hostile appearance was such on Lake Champlain that it induced the Legislature to adjourn for a short time, and many of her members procured arms and went to the field; a short

truce was settled for the exchange of prisoners; the Legislature convened again; proceeded to grant about fifty towns, this they were obliged to do to raise money to pay their troops, procure stores, etc., for the next campaign and defray the expense of government; this mode of procuring money made the State many firm and interested friends abroad amongst which are some of the first characters of the United States. The Legislature at that and the preceding sessions took great care that their grants should not interfere with former or other grants, nevertheless at some of the succeeding sessions grants of land were made in my absence, at other times, countervailing the principles that I recommended and the members in general not being acquainted with surveying did not pay that attention to these matters which they ought to have done, both for the interest of the States and grantees."

In October, 1782, Colonel Allen resigned the office of Surveyor General, asserting that certain members of the Assembly had failed to send him the charters of their respective towns for record and that some of the grants made by the Legislature would trespass on other townships granted, owing to lack of proper surveys, he preferred not to bear the blame that would be visited upon him for these errors. In his accounts there appear charges for cutting roads in twenty-eight towns and for surveying town lines and cutting roads in one hundred and three towns. Most of these towns appearing in the first list are found in the second.

At the election held in 1786, Ira Allen was defeated for reelection as Treasurer. His enemies appear to



have been very active against him. In 1781 a township was granted to Maj. Theodore Woodbridge to be known as Woodbridge. This charter was forfeited on account of non-payment of fees, and thereafter it was known as "a flying grant." Ira Allen, as Surveyor General, was directed to dispose of this and other lands in order to raise money for carrying on the duties of his office. As he did not dispose of the town of Woodbridge he was compelled to pay his expenses out of his own funds. After his defeat Allen called upon Governor Chittenden to deliver to him the charter of this town, which he proceeded to do. The House, meanwhile, granted this same land to Jonathan Hunt of Vernon, against Allen's protest. Hunt began an active campaign against Allen and Governor Chittenden. The House passed a bill declaring the charter of Woodbridge null and void, the preamble of which declared that the Governor had been "pleased in a private manner to deliver a fraudulent instrument" to Allen. The Council did not concur, but proposed a substitute measure. An investigation in 1790 showed that there had been no "fraudulent intent" and it was found that the State owed Colonel Allen seven hundred and ninety-one pounds on the Surveyor General's account. As a result of the campaign against him, Governor Chittenden failed of election in 1789. The votes cast were divided as follows: Thomas Chittenden, 1,263; Moses Robinson, 746; Samuel Safford, 478; all others, 378. No candidate having received a clear majority, the General Assembly was called upon to elect, when that body assembled at Westminster, October 8, 1789. It is recorded that on the day preced-

ing the meeting of the Legislature, a company of cavalry commanded by Capt. Elisha Hawley of Windsor met Governor Chittenden at Hartland and escorted him to the place of meeting.

A joint assembly was held on October 9, and the result of the balloting for Governor showed that Moses Robinson of Bennington had been elected. In announcing the result Governor Chittenden declared that he was conscious of having discharged his duty "with simplicity and unremitted attention," and expressed a wish that his successor might have a happy administration, for the advancement of which he promised to exert his utmost influence. By a vote of 76 to 12 the Assembly extended to Governor Chittenden their "gratitude and warmest thanks" for his services "as the supporter, guardian and protector of their civil liberties."

Governor-elect Robinson arrived at Westminster Tuesday afternoon, October 13. He was met and escorted into town by a committee of two from each county. Having been introduced to the Council he proceeded to the Assembly Hall, where he accepted the office of Governor in a speech which was not reported in the newspapers of the period, following which the oath of office was administered by Lieutenant Governor Marsh. Moses Robinson was forty-five years old when he was elected Governor. He was born in Hardwick, Mass., March 26, 1744, and came to Bennington in 1761 with his father, Samuel Robinson, the founder of the town. This branch of the family claimed descent from Rev. John Robinson, pastor of the Pilgrim Fathers before they left Holland for the New World. Moses Robin-

son had been a Colonel of militia and was with his regiment at the evacuation of Ticonderoga, in 1777, was a member of the Council of Safety and later of the Governor's Council and Chief Justice of the Supreme Court. He was reported to be a man of large wealth.

The administration of Governor Robinson was a quiet one. The difficulty over the Surveyor General's affairs was ended and negotiations were begun which resulted later in a settlement of the controversy with New York. An address to the President of the United States was adopted but the text does not appear in public documents or in newspapers. Possibly it may not have been acknowledged by President Washington, owing to the fact that Vermont had not been admitted to the Federal Union.

The election of 1790 resulted in the choice of Thomas Chittenden as Governor by a majority of nearly 1,300 votes, a very substantial lead, when the entire vote was considered. Daniel Chipman, in his "Memoirs of Thomas Chittenden," says: "The friends of Governor Chittenden were strongly attached to him, and being highly exasperated (at his defeat in 1789) accused the Legislature of disregarding the voice of the people and turning out an old and faithful public servant against their wishes, and they succeeded in producing a high degree of excitement among the people. The consequence was that the next year Governor Chittenden was elected by a far greater majority than that of preceding years."

The *Vermont Gazette* prints a letter in which it is asserted that "Governor Robinson bears the loss of his

chief magistracy with a fortitude which becomes the character of a philosopher and a Christian." This is more than can be said of many defeated candidates. In his farewell speech Governor Robinson graciously acquiesced in the choice of his rival, saying: "The free-men have an undoubted right, when they see it for the benefit of the community, to call forth their citizens from behind the curtain of private life, and make them their rulers, and elect others in their place." The Assembly adopted a resolution, expressing entire satisfaction with his administration, and wishing him happiness and tranquility as he retired to private life. A committee was appointed to meet Governor-elect Chittenden and conduct his party into Castleton, where the Legislature was in session. He appeared before the General Assembly on October 20, the oath being administered by Chief Justice Chipman. In his inaugural address he expressed some reluctance in assuming again the duties of the executive office. The expectation that Vermont soon was to be admitted to the Union of States is found in the following extract from Governor Chittenden's speech: "The appearance of this day also evinces that our government is well established, the minds of the people happily contented, and everything contributes to complete our political felicity, and prepare the way for the happy day when we shall add no small weight to the scale, and be under the protection of a new and glorious empire, which bids fair in a short time to vie in power and policy with any of the European States, which gives me more satisfaction than all the



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honors in the power of this or any other State to confer on me."

Lieutenant Governor Marsh had declined a reelection, and there being no choice, Peter Olcott of Norwich was elected in joint assembly. Jonathan Arnold of St. Johnsbury had led in the popular vote for this office and he was elected a member of the Council to fill the vacancy caused by Mr. Olcott's promotion.

During the period which elapsed between the close of the American Revolution and the beginning of President Washington's administration, Vermont lost by death two of her most eminent leaders, Seth Warner and Ethan Allen. Before the war ended Colonel Warner's health became impaired, so that he was not able to participate actively in important military matters after the year 1777. He continued to reside at Bennington until the summer of 1784, when the condition of his health was such that he decided to return to his native town of Woodbury (at an earlier period called Roxbury), Conn. The change of climate and scene did not accomplish the desired result. His mind was affected, and in his imagination he fought over his battles. Death came December 26, 1784, when he was only forty-one years old. He was buried with military honors, and his funeral was attended by nearly five hundred persons. A wife and three children survived him. Although he had received grants of land in several townships most of this property had been sold for taxes, and his widow petitioned the Vermont Legislature for aid in October, 1787, representing her condition to be destitute. A tract of two thousand acres was granted to Colonel

Warner's heirs, the location being in the western part of Essex county. It was supposed that this land would become valuable, as settlements increased, but the land did not attract pioneers. It has never been incorporated as a township but is known as Warner's Gore, and is practically a wilderness.

As one of the early leaders of the Green Mountain Boys, captor of Crown Point, commander of the first regiment raised in Vermont for service in the Revolution, prominent in the invasion of Canada, where he was able to repulse Carleton's attack at Longueuil, in command of the rear guard at the evacuation of Ticonderoga, commander of the American troops at the battle of Hubbardton and Stark's associate in the battle of Bennington, he won an enviable reputation as a cool, sagacious officer. And all these achievements were won before he was thirty-five years old. His Vermont home was in the northwestern part of Bennington and the house which he erected remained until 1858, when it was destroyed by fire.

D. S. Boardman of Connecticut, who, as a lad, often saw Warner, has left this description of the personal appearance of the Vermont leader: "Colonel Warner was of noble personal appearance; very tall, not less than six feet two inches; large framed, but rather thin in flesh and apparently of great bodily strength. His features were regular, strongly molded, an indication of mental strength, a fixedness of purpose, and yet of much benevolent good nature, and in all respects both commanding and pleasing." Reference is made to his social disposition and his love of fun.

The State of Connecticut, in 1859, erected over his grave a granite monument, twenty-one feet high. The State of Vermont, which he helped establish, did not recognize his great services until Bennington Battle Day, August 16, 1911, when a monument surmounted by a statue of Colonel Warner was dedicated at Bennington Center, the gift of Col. Olin Scott, of that town.

Early in the summer of 1787 Ethan Allen removed from Sunderland to Burlington and his family followed him in July of that year. Burlington at that time consisted of a group of houses near the lake front and a few other residences near the present site of the University of Vermont. On July 9, 1778, soon after his return from captivity, Allen had purchased from James Claghorn, Commissioner for the Sale of the Confiscated Estates of Tories, one hundred and fifty acres of land in Burlington, on the Onion (Winooski) River, for three hundred pounds, this being the confiscated property of one William Marsh, a Tory. Here, in the peaceful pursuit of agriculture, he spent the last years of an eventful life. In 1788 he petitioned the Legislature to incorporate a Society of Moral Philosophers, to be called the Moral Philosophical Society. Allen's public papers show evidence of wide reading and scholarly tastes. He enjoyed the study of philosophy and gave much time to it. In 1784 he had published his "Oracles of Reason," which he called a "compendious system of natural religion." In this book he expressed a belief in an all wise God who orders the affairs of men and governs the universe, and in the immortality of the soul, but he rejected the doctrine of miracles, the divine in-

spiration of the Bible, and the divinity of Christ. This book aroused a storm of criticism, and its author was called an infidel.

General Allen's first wife having died early in the year 1783, on February 9, 1787, he took for his second wife Mrs. Fanny Buchanan, a young widow twenty-four years old. She was the step-daughter of Crean Brush, the well known Tory, who was supposed to have been influential in persuading Governor Tryon of New York to place a price on Allen's head. This second wooing and marriage were rather unconventional. Mrs. Buchanan and her mother had rooms in the residence of Stephen R. Bradley at Westminster. The Judges of the Supreme Court were accustomed to make this place their headquarters during the sessions, and presumably Allen had met the young widow here. Early on the morning of February ninth he appeared at the Bradley residence with a span of fine horses, a sleigh and a driver. Entering the apartments of Mrs. Buchanan he found her standing in a chair, arranging articles on the upper shelf of a china closet. He said to her rather abruptly, "If we are to be married now is the time, as I am on my way to Arlington." "Very well," replied the young woman, "but give me time to get in my joseph" (a riding dress). Entering the room where the Judges were sitting Allen surprised his old friend, Chief Justice Moses Robinson, by asking him to perform a marriage ceremony. Mrs. Allen was a fascinating woman, accustomed to the ways of polite society, refined in her tastes and possessed of many accomplishments.



On February 11, 1789, General Allen, accompanied by a colored servant, crossed Lake Champlain on the ice to South Hero, to visit his old friend and comrade, Col. Ebenezer Allen, and get a load of hay. He remained there over night, returning early in the morning. The driver spoke to him several times on the return journey, but received no answer, and when home was reached it was found that General Allen had suffered an apoplectic shock. He died the same day, Thursday, February 12, 1789. His funeral was held on February 17, with military honors. Many of his comrades were present from all parts of the State, several coming from Bennington. The funeral procession is said to have been "truly solemn and numerous." It consisted of a company of artillery, firing minute guns; a company of infantry with trailed arms; six field officers with drawn swords; the body, borne by pall bearers, followed by Governor Chittenden, a Major General and four field officers; the mourners; officers of different rank, marching two by two; civil magistrates and spectators. Three volleys of musketry were fired over the grave, followed by the discharge of three cannon. The burial was in what is now known as Green Mount Cemetery, in Burlington, a beautiful spot overlooking the Winooski River, and in sight of the place where more than a century later the United States Government was to establish a military post named Fort Ethan Allen. Many years after Ethan Allen's death the State of Vermont erected over his grave a noble monument, consisting of a shaft forty-two feet high, on a granite base, surmounted by a statue of Allen cut in Carrara marble,

eight feet in height, the work of Peter Stephenson, a Boston sculptor. The monument is surrounded by a paling of muskets with cannon for posts. The statue was unveiled July 4, 1873.

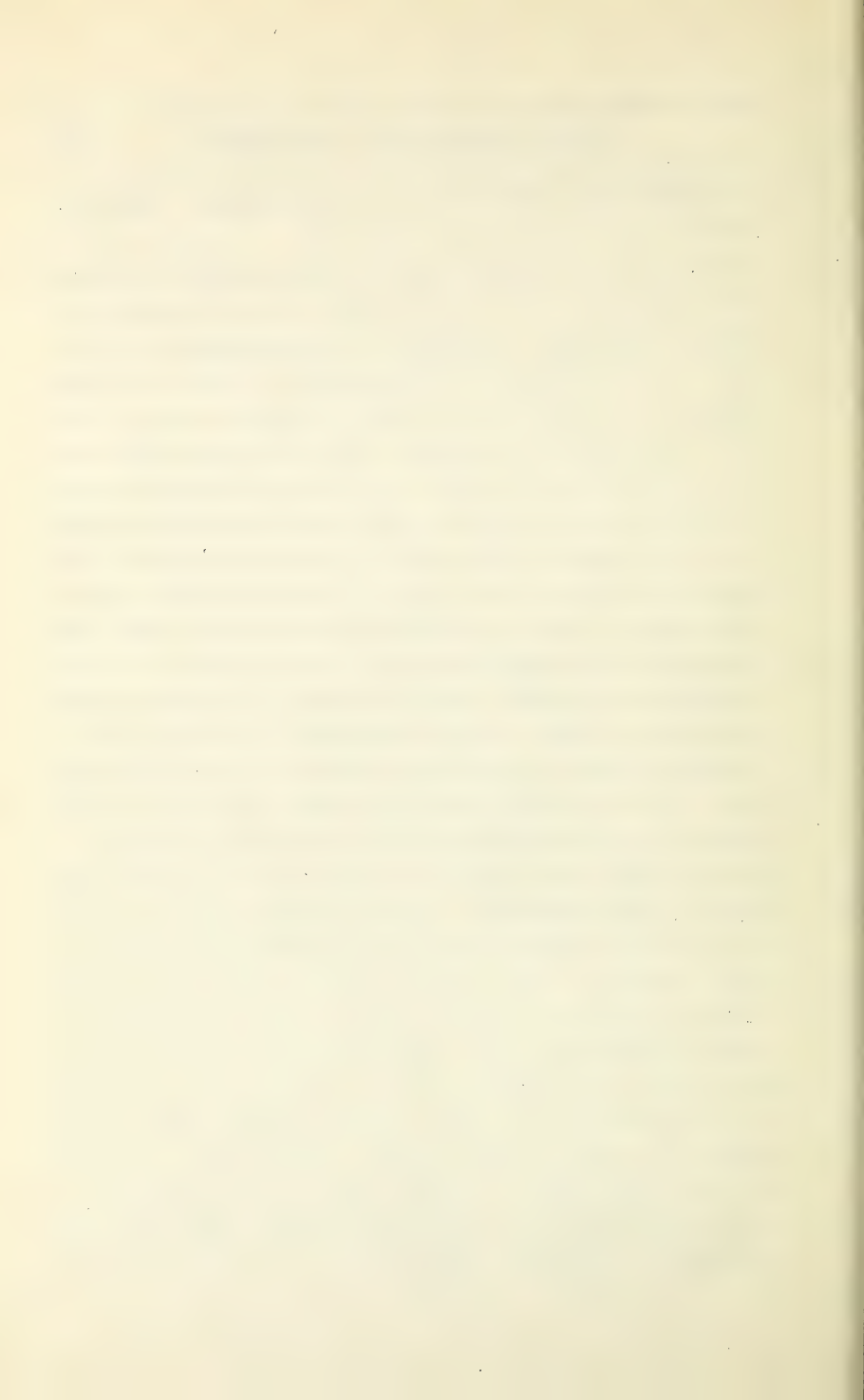
An imposing memorial tower of Norman design was erected in 1905 by the Vermont Society, Sons of the American Revolution, on Indian Rock, overlooking Lake Champlain, the location being a part of the farm in Burlington owned by Allen at the time of his death. Among those attending the dedicatory exercises were Vice President Charles W. Fairbanks and Ethan Allen Hitchcock, a member of President Roosevelt's Cabinet and a direct descendant of Ethan Allen. A statue of Allen in Italian marble, executed by Larkin G. Mead, a Vermont sculptor, has been placed in Statuary Hall, in the Capitol at Washington, and another of Vermont marble, the work of the same sculptor, adorns the portico of the State House at Montpelier.

Ethan Allen was the father of five children by his first marriage. One son, Joseph, died at the age of eleven years, and two daughters, Lorain and Mary Ann, died unmarried. Pamela married Eleazer W. Keyes of Burlington, but had no children. Lucy Caroline married Hon. Samuel Hitchcock, a prominent Vermonter. The children of the second Mrs. Allen were Fanny, who entered a convent in Canada and died there, Ethan Alphonso and Hannibal Montescue. Both of these sons were graduated from the United States Military Academy and became officers in the regular army. The only direct descendants of Ethan Allen who bear

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his name trace their line through Ethan Alphonso Allen.

It would hardly be proper to assert that Ethan Allen was the greatest of that notable group of men who made possible the independent commonwealth of Vermont, but his career is more familiar to the American people than that of any of his associates—and it was easily the most picturesque. While it is true that he was not distinguished for modesty or refinement, it should be borne in mind that the New Hampshire Grants was not a region well suited to the cultivation of the graces and adornments of life. The struggle for existence among these Green Mountain pioneers, from the viewpoint of the individual, the family and the commonwealth, demanded stern measures and strong men; and Ethan Allen was preeminently a strong man—strong physically and strong mentally. He possessed many of the qualities which, in earlier days, have made chieftains and kings, namely, a commanding presence, a strong right arm, great personal valor and a natural capacity for leadership. He rendered splendid service to the embryo commonwealth and to the cause of American freedom, with sword and tongue and pen. Although he was a prisoner of war when Vermont declared her independence, and died before constitutional government was inaugurated in America, or Vermont was admitted to the Union, yet his achievements constitute a notable chapter in the early history of the American Revolution, and his career is so closely interwoven with the early annals of Vermont that the one inevitably suggests the other.





## CHAPTER XXVII

### VERMONT ADMITTED TO THE UNION



**F**OLLOWING Vermont's unsuccessful attempts to gain admission to the Union of States, which were made soon after the declaration of peace between America and Great Britain, a period of several years elapsed during which the Green Mountain State was well content to remain a separate commonwealth, and New York did not attempt any acts of aggression.

The change in public opinion which was taking place concerning the merits of the Vermont-New York controversy is indicated in a letter written by Thomas Jefferson to M. de Meusnier, January 24, 1786, in which he said: "Nothing is decided as to Vermont. The four northermost States wish it to be received into the Union. The Middle and Southern States are rather opposed to it. But the great difficulty arises with New York, which claims that territory. In the beginning every individual revolted at the idea of giving them up. Congress therefore only interfered from time to time to prevent the two parties from coming to an open rupture. In the meantime the minds of the New Yorkers have been familiarizing to the idea of a separation, and I think it will not be long before they will consent to it. In that case the Southern and Middle States will doubtless acquiesce, and Vermont will be received into the Union."

An evidence of a change of attitude toward Vermont was shown in the introduction of a bill in the New York Assembly, in the spring of 1787, by Alexander Hamilton, a member for the City of New York, providing for a recognition of the independence of Vermont. The measure provided that Vermont's jurisdiction must be confined to the region between the Connecticut River,

Lake Champlain and a line running north and south twenty miles east of the Hudson River; that a condition of such recognition should be joining the Union; and that the right of citizens of New York to prosecute claims to lands in such territory in no way should be impaired.

In introducing the bill Mr. Hamilton spoke briefly, referring to the dangers and difficulties which threatened the country, and expressing apprehension concerning the situation in Vermont. The State was, in fact, independent, but not confederated. Vermonters were "wisely inviting and encouraging settlers by an exemption from taxes and availing themselves of the discontents of a neighboring State, by turning it to the aggrandizement of their own powers." He feared that, "without any relative importance in the Union, irritated by neglect or stimulated by revenge," they might form an alliance with the British in Canada. Therefore, he argued in favor of recognizing the independence of Vermont.

The opponents of the bill asked, and were granted, a hearing, and Richard Harrison, an eminent attorney, appeared in their behalf. He argued that the measure was unconstitutional, as it would deprive the counties of Cumberland, Charlotte and Gloucester of the representation to which they were entitled, as members of the body politic, in the Senate and Assembly. He further argued that the bill was impolitic, and would deprive citizens of property without just compensation.

Mr. Hamilton replied in a lengthy and powerful argument, saying in part: "The pretensions to independence of the district of territory in question began shortly



after the commencement of the late Revolution. We were then engaged in a war for our existence as a people, which required the utmost exertion of our resources to give us a chance of success. To have diverted any part of them from this object to that of subduing the inhabitants of Vermont, to have involved a domestic quarrel which would have compelled that hardy and numerous body of men to throw themselves into the arms of the power with which we were then contending, instead of joining their efforts to ours in the common cause of American liberty, as they for a long time did, with great advantage to it, would have been a species of frenzy, for which there could have been no apology, and would have endangered the fate of the Revolution more than any one step we could have taken. \* \* \* The peace found the Vermonters in a state of actual independence which they had enjoyed for several years—organized under a regular form of government, and increased in strength by a considerable accession of numbers. It found this State (New York) the principal seat of the war, exhausted by peculiar exertions and overwhelmed in debt.

“Are we now in a situation to undertake the reduction of Vermont; or are we likely speedily to be in such a situation? Where are our resources, where our public credit, to enable us to carry on an offensive war?

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“The population of Vermont will not be rated too high, if stated at nearly one-half that of New York.\*

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\*According to the first census the population of Vermont was about one-fourth that of New York.

Can any reasonable man suppose that New York, with the load of debt the Revolution has left upon it, and under a popular government, would be able to carry on with advantage an offensive war against a people half as numerous as itself, in their own territory; a territory defended as much by its natural situation as by the numbers and hardihood of its inhabitants? Can it be imagined that it would be able, finally, to reduce such a people to its obedience? The supposition would be chimerical, and the attempt madness. \* \* \*

"I have confined myself in my reasoning to an examination of what is practicable on the part of this State alone. No assistance is to be expected from our neighbors. Their opinion of the origin of the controversy between this State and the people of Vermont, whether well or ill founded, is not generally in our favor; and it is notorious that the Eastern States have uniformly countenanced the independence of that country. This might suggest to us reflections that would confirm the belief of the impracticability of destroying, and the danger of attempting to destroy that independence.

"The scheme of coercion would ill suit even the disposition of our own citizens. The habits of thinking to which the Revolution has given birth, are not adapted to the idea of a contest for dominion over a people disinclined to live under our government. And in reality, it is not the interest of the State ever to regain dominion over them by force. We shall do well to advert to the nature of our government, and to the extent of this State, according to its acknowledged limits. Are we sure we shall be able to govern what we already possess?

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Or would it be wise to wish to try the strength of our government over a numerous body of people disaffected to it, and compelled to submit to its authority by force. For my part, I should regard the reunion of Vermont to this State as one of the greatest evils that could befall it, as a source of continual embarrassment and disquietude."

Answering the argument that the bill was unconstitutional, Mr. Hamilton asserted that the power of dismembering a State under certain circumstances was a necessary appendage of sovereignty, and cited Spain and Austria as illustrations of this principle. He said: "Vermont is, in fact, severed from New York, and has been so for years. There is no reasonable prospect of recovering it, and the attempt would be attended with certain and serious calamities. The Legislature have, therefore, an undoubted right to relinquish it, and policy dictates that it should be done."

This speech, delivered when Hamilton was thirty years old, was characterized by his son, J. C. Hamilton, as "among the most able fragments of his eloquence which have been preserved." On April 11, 1787, the bill passed the Assembly by a vote of 27 to 19, but was defeated later in the Senate. Although the recognition of Vermont's independence was delayed temporarily, it was brought appreciably nearer by Hamilton's argument. Governor Clinton remained bitterly opposed to abandoning the attempt to reduce Vermont to submission, but such powerful leaders as Alexander Hamilton, John Jay, Gouverneur Morris and General Schuyler recognized the folly of continuing the struggle.

During the next year the Vermont question was not agitated. By midsummer of 1788, however, a sufficient number of States had ratified the national Constitution to assure the success of the new government. New Hampshire's favorable action on June 21 ensured the adoption of that instrument, and in less than a week thereafter the powerful States of Virginia and New York had given their assent to ratification. Thoughtful Americans everywhere turned their attention hopefully to a consideration of the new governmental problems, the successful solution of which promised deliverance from many of the evils which had affected the United States since the close of the Revolution. There were good and urgent reasons why the controversy between New York and Vermont should be settled. Kentucky was pressing for admission to the Union with the consent of Virginia. Even at this early period sectional jealousies and rivalries had made their appearance and New York recognized the need of the admission of Vermont as a State to preserve the proper balance of power for the North. More than that, New York City hoped to become the national capital, therefore it was not politically expedient longer to antagonize Vermont.

The people of the Green Mountain State had no ambition to remain an independent nation between two vastly larger countries like the United States and Canada. Vermont's future was closely linked to that of America. Moreover, some of Vermont's wisest leaders, like Nathaniel Chipman, looked forward with apprehension to the possibility that the land controversy with New



York might be brought speedily into the new federal courts, with the possibility of an adverse decision.

Early in July, 1788, several prominent Vermonters, among them Lewis R. Morris and Gideon Olin, met at the home of Nathaniel Chipman in Tinmouth to discuss the general situation. It was decided that this was an opportune time for ending the controversy with New York, and it was agreed that Judge Chipman should write to Alexander Hamilton on this subject. In a letter written on July 15, and addressed to the New York leader, he was approached as a Federalist with the suggestion that Vermont was ready with substantial unanimity to support the Federal cause. He suggested the possibility that Congress might be induced to compensate the New York grantees out of Western lands for their loss of Vermont holdings. He further suggested that this State might make the adoption of certain amendments proposed by other States, the basis of admission to the Union. This letter was sent by Daniel Chipman, a younger brother of the writer, and was delivered to Hamilton at Poughkeepsie, where the latter was in attendance upon the convention, which, a little later, ratified the Constitution of the United States. The letter was considered by Hamilton, General Schuyler, Richard Harrison and Egbert Benson, and a reply was promised the next morning. When Daniel Chipman called for the letter he informed Mr. Hamilton that Vermont Federalists were interested in the work of the convention and asked what were the prospects of ratification. Hamilton replied, "God only knows. Several votes have been taken in convention, and it

appears that there are about two to one against us." Then he added emphatically, "Tell them that the convention shall never rise until the Constitution is adopted."

In his reply, dated July 22, 1788, Hamilton expressed the opinion that the time had arrived for effecting the accession of Vermont to the Union "upon the best terms for all concerned." As one of the first subjects for Congressional deliberation would be the proposal to admit Kentucky as a State he thought the Northern States would "be glad to find a counterpoise in Vermont." Security for the claims under the New York grants, in his opinion, would be necessary. The boundary of Vermont should conform to that heretofore marked out by Congress. Hamilton considered it highly inexpedient for Vermont to insist upon ratification of certain amendments to the Constitution as the basis of admission, as there was opposition to practically all these proposals of amendment. In closing he said: "It will be wise to lay as little impediment as possible in the way of your reception to the Union."

Late in September or early in October of the same year, Hamilton replied to a second letter which he received from Judge Chipman, dealing with the admission of Vermont. After giving some advice in regard to taxation, he said: "I am sorry to find that the affair of the boundary is likely to create some embarrassment. Men's minds everywhere out of your State are made up and reconciled to that which has been delineated by Congress. Any departure from it must beget new discussions in which all the passions will have the usual scope, and may occasion greater impediments than the

real importance of the thing would justify. If, however, the further claim you state cannot be gotten over with you, I would still wish to see the experiment made, though with this clog; because I have it very much at heart that you should become a member of the Confederacy. It is, however, not to be inferred that the same disposition will actuate everybody. In this State the pride of certain individuals has too long triumphed over the public interest, and in several of the Southern States a jealousy of Northern influence will prevent any great zeal for increasing in the national councils the number of Northern voters. I mention these circumstances (though I dare say they will have occurred to you) to show you the necessity of moderation and caution on your part, and the error of any sanguine calculation for a disposition to receive you at any rate. A supposition of this nature might lead to fatal mistakes."

Although the text of Judge Chipman's second letter is not available it would appear from Hamilton's reply that Vermont was not satisfied with the boundary which had been proposed. The advice given seems to have been honest and straightforward.

During the winter of 1788-89, Hamilton and Chipman met in Albany, and it is related that as a result of this interview the views expressed in the correspondence to which allusion has been made, were changed to some extent. Daniel Chipman is authority for the statement that at this meeting an agreement was reached concerning a settlement of the long standing controversy which was adopted later by the two States.

A memorial was presented to the New York Legislature on February 13, 1789, calling attention to the desirability of settling the controversy with Vermont and suggesting the expediency of appointing commissioners with full powers to treat of and agree to the independence of that district (Vermont) on such terms as "may appear to them just and liberal and conducive to the general good." The document recognized the fact that there was no reason to expect that Vermont would be willing to reunite with New York, and added: "From such an event, even if it could without much difficulty be effected, no important advantages would result to New York." This memorial was signed by John Jay and sixty-four others. Two weeks later, on February 27, the New York Assembly passed a bill, by a vote of 40 to 11, granting consent for the erection of Vermont as a State by the Congress of the United States. This bill, like others favorable to Vermont, was defeated in the Senate. Public opinion was changing, however, and on July 6 a bill was introduced providing for the appointment of commissioners with full power to declare the consent of the New York Legislature to the erection of Vermont into a State, although the name Vermont was not used. It was further specified that nothing in the act should give any person claiming lands in the district mentioned right to any compensation from New York. This bill passed both legislative branches and it became a law on July 14. The act provided that Robert Yates, Rufus King, Gulian Verplank, Robert R. Livingston, Simeon DeWitt, Richard Varick and John Lansing, Jr., should be the commissioners authorized,





Mount Ascutey and Village of Windsor



and declared that the act of any four of these commissioners should be "as effectual to every purpose as if the same had been made an immediate act of the Legislature of this State." The act was very vague, and appeared to delegate to the commissioners legislative powers.

A copy was forwarded to Governor Chittenden by six of the seven commissioners two days after its passage, and correspondence with Vermont was invited. This letter differed from others that had been received previously by Governor Chittenden in that it was addressed to "His Excellency."

The session of the Vermont Legislature which convened at Westminster in October, 1789, was called upon to accept or reject the advances made by New York. On the day following the retirement of Thomas Chittenden from the Governorship in favor of Moses Robinson, by request of the House Mr. Chittenden came before that body and communicated such information as he had received concerning Vermont's relations with the Federal Government.

Two days later, on October 16, the Governor and Council sitting with the House in grand committee, voted to recommend the appointment of a committee to treat with the New York commissioners. Following a week's consideration, a bill was passed, on October 23, authorizing the appointment of commissioners in the following terms: "Whereas it is of consequence that the line between the State of Vermont and the State of New York be ascertained and established, and that certain obstacles to the admission of the State of Vermont

into union with the United States should be removed: Which purposes to effect,

“It is enacted by the General Assembly of the State of Vermont, that Isaac Tichenor, Stephen R. Bradley, Nathaniel Chipman, Elijah Paine, Ira Allen, Stephen Jacob and Israel Smith, Esquires, be and hereby are, appointed commissioners in behalf of this State, with full power to them, on any four or more of them, to treat with commissioners that now are, or hereafter may be appointed by the State of New York, and who shall be fully authorized and empowered by the said State of New York, to ascertain, agree to, ratify and confirm a jurisdictional or boundary line between the State of New York and the State of Vermont: and to adjust and finally determine all and every matter or thing which in any wise obstructs a union of this State with the United States.”

There was something definite and positive in these instructions which was lacking in the New York bill. A clause was added giving the same power granted to the New York commissioners, declaring that every act or agreement of four or more of the commissioners should be as effectual “as if the same had been an immediate act of the Legislature of this State.”

It was followed by this significant proviso: “Provided always, That nothing in this act shall be construed to give the said commissioners power to lessen or abridge the present jurisdiction of this State: or in any wise oblige the inhabitants of the same, or any other person or persons claiming title to lands heretofore granted by this State, or the late province of New Hamp-



shire, to relinquish their claims under the jurisdiction thereof: or in any wise subject the State of Vermont to make any compensation to different persons claiming under grants made by the late province and now State of New York, of lands situate and being in the State of Vermont, and within the jurisdiction of the same." An amendment from the Council, proposing to strike out the proviso, was rejected by a vote of 64 to 29, and later proposals of amendment, intended to eliminate this proviso, also were defeated. Three of the commissioners named in this act, Messrs. Tichenor, Bradley and Paine, were elected agents to transact the negotiations of Vermont with the Congress of the United States for the admission of this State into the Union.

The commissioners were numbered among the ablest Vermonters of this time. At a later period three of these men were Governors of the State, and five were United States Senators.

In November the New York Commission was notified of the passage of the bill providing for a Vermont Commission and arrangements were made for a conference in New York City. The first session was held late in the afternoon of February 9, at the City Tavern, the meetings continuing for several days.

Vermont insisted that the vacating of grants made by the province of New York, where the same interfered with grants made by the province of New Hampshire, or, later, by the State of Vermont, should also be a subject of negotiation. New York inquired if the Vermont Commission had power to relinquish the claims of the

grantees of lands made by the new State, or to stipulate a compensation for an extinguishment of the interfering claims of the grantees under New York. The Vermont Commission thought it had such powers, but as it had been mutually agreed that the negotiations should not be binding unless Vermont was admitted to the Union, it was suggested that the exchange of views be continued. New York thought Vermont did not have sufficient power to deal with the matter of compensation for the relinquishment of New York land claims. Vermont came back with the suggestion that it was unnecessary to anticipate this difficulty until it had been determined that Vermont ought to make compensation and the manner in which it should be made. New York complained that in taking up the subject of vacating certain of its land claims the Vermont commissioners were exceeding their powers. Vermont replied that, although not empowered to treat with individual claimants in regard to the relinquishment of claims, the commissioners were of the opinion that they were fully authorized to stipulate a compensation to the State of New York for any just and reasonable extinguishment of private claims made by that State. New York was pressed for an answer to the question whether its commissioners were themselves authorized to extinguish on any terms the claims of New York patentees which interfered with grants made under the State of Vermont and the late province of New Hampshire.

On February 13 the New York commissioners declared that they did not recognize the distinction made by the Vermont Commission between compensation to

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individuals and the State of New York, and admitted that they could not negotiate in regard to the relinquishment of land patents. The discussion was ended by a statement signed by the Vermont commissioners in which they said: "As you decline to treat with us upon a subject which manifestly appears to be the most important object of the law as it respects the State of Vermont, the treaty is at an end. We are very unhappy that a misunderstanding of the law as to the powers given to us should defeat the designs of the two governments."

Application was made immediately to the New York Legislature, then in session, for the passage of a new act. On March 6 a bill was passed giving to the commissioners full and direct powers to treat with Vermont. The commissioners named in the act did not include the names of Rufus King and Richard Varick, and in their places Egbert Benson, Richard Sill and Melancton Smith were appointed.

The New York members of the two commissions included some of the most eminent men in the early history of that State. Robert Yates was a member of the convention which formulated the United States Constitution and was Chief Justice of the New York Supreme Court, 1790-98. Rufus King was a Massachusetts member of the Constitutional Convention. Removing to New York, he was elected United States Senator and later was United States Minister to Great Britain. Robert R. Livingston was a member of the Continental Congress, one of the committee of five which drafted the Declaration of Independence, administered the oath of

office to President Washington, was Secretary of Foreign Affairs for the United States, 1781-83, the first Chancellor of New York, United States Minister to France and secured the cession of the region known as the Louisiana Purchase. Richard Varick was Attorney General of New York and later Mayor of the City of New York. John Lansing, Jr., was Mayor of Albany, member of the Continental Congress and of the Constitutional Convention, Chief Justice of the New York Supreme Court and Chancellor of the State. Simeon DeWitt was chief of the topographical staff of Washington's army and Surveyor General of New York. Egbert Benson was the first Attorney General of New York, member of Congress and Judge of the Supreme Court. The town of Benson, Vt., was named in his honor. Melancton Smith was a member of Congress, a Circuit Judge and a man of much prominence, who led the forces opposing the ratification of the United States Constitution by New York, being arrayed against Hamilton. Governor Clinton, consistent in his attitude of antagonism to Vermont, objected to the bill, but in the Council of Revision was overruled by Chancellor Livingston and Judges Yates and Hobart.

Preliminary negotiations were begun early in March between the two commissions, but the discussion was not completed and adjournment was taken to the first Tuesday of July, 1790, at Stockbridge, Mass. A quorum was not present at the Stockbridge meeting, as Congress was still in session and some of the New York commissioners were detained. It was agreed that ad-



jourment should be taken until September, this meeting to be held either in New York or Bennington.

The two commissions met in New York City on September 27, 1790, and on October 1 the New York commissioners proposed that Vermont without delay should take the requisite means to secure admission to the Union; that the boundary line remain in accordance with existing conditions; and that Vermont pay eighteen cents per acre for lands granted by New York not previously granted by New Hampshire. Vermont considered the last condition inadmissible, and submitted a counter proposition. It was proposed that the boundary between the two States extend northward from the northwest corner of Massachusetts along the western border of the towns of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney to the Poultney River, following the channel to East Bay, northward through the deepest channel of Lake Champlain to the eastward of the Four Brother Islands, and to the westward of Grand Isle, Long Isle and Isle La Motte, to the forty-fifth parallel of north latitude. It was further proposed that where New York claims should be considered good and valid, such compensation should be made as the Legislature of Vermont might consider just and equitable.

The New York Commission was ready to accept the proposed boundary, but was unwilling to leave the matter of compensation to be determined by the Legislature of Vermont, and suggested that New York claims to lands not granted by New Hampshire be referred to

commissions appointed by the President of the United States, or determined in some other impartial manner.

The report of the proceedings of this joint commission is not complete. At some stage of the proceedings a proposition was made to pay New York the sum of \$30,000 for the total extinguishment of all the land claims of that State. The Vermont commissioners objected to this sum and suggested that it should be optional with the Vermont Legislature to pay the sum of \$20,000 for the extinguishment of all New York claims, or to permit the individuals to pay ten cents per acre for such of the New York grants only as interfered with the Vermont grants.

Finally, on October 7, an agreement was reached which provided that the consent of New York should be given to the admission of Vermont as a State of the Federal Union, the boundary between the two States to be along the line previously proposed by Vermont. If the Vermont Legislature on or before January 1, 1792, should declare that that State on or before June 1, 1794, would pay to the State of New York the sum of \$30,000, the latter State would relinquish its claim to Vermont lands. Alexander Hamilton was one of the witnesses to the signature of the New York commissioners affixed to the terms of the agreement.

The report of the Vermont Commission was made to the Legislature sitting at Castleton, October 22, 1790. Stephen R. Bradley "in a sensible and masterly manner," as the record says, gave a full statement in regard to the negotiations, after which Judge Elijah Paine offered a resolution providing that agreeable to the act of the com-

missioners, the State of Vermont would pay to the State of New York the sum of \$30,000 on or before June 1, 1794. On a yea and nay vote the resolution was adopted on October 25—92 yeas, and 12 nays—and Israel Morey, Elijah Paine and Israel Smith were appointed a committee to bring in a bill. This measure carried into effect the agreement already described and was passed October 28, 1790.

On motion of Stephen R. Bradley, the Legislature, or grand committee, on October 22, 1790, recommended the passage of an act calling a State convention to consider the ratification of the Constitution of the United States. Five days later a bill was passed calling for the election of one delegate from each town, after the manner of the election of members of the General Assembly on the first Tuesday of the following December. These delegates were directed to meet at Bennington on the first Thursday in January. The convention met at Bennington on Thursday, January 6, 1791. The official record of this convention has not been preserved, but a full report was printed in the *Vermont Gazette*. This convention was sufficiently important to warrant the inclusion in this chapter of the names of its members, which were as follows:

#### BENNINGTON COUNTY

Bennington, Moses Robinson; Sunderland, Timothy Brownson; Shaftsbury, Gideon Olin; Pownal, Thomas Jewett; Stamford, Andrew Selden; Arlington, Timothy Todd; Manchester, Martin Powel; Rupert, Israel Smith; Dorset, John Shumway; Sandgate, Reuben Thomas.

## WINDHAM COUNTY

Hinsdale (Vernon), Jonathan Hunt; Westminster, Stephen R. Bradley; Athens, James Shafter; Londonderry, Edward Aiken; Townshend, Joshua Wood; Guilford, Peter Briggs; Brattleboro, Gardiner Chandler; Newfane, Calvin Knowlton; Whitingham, Isaac Lyman; Putney, Daniel Jewet; Rockingham, Elijah Lovewell; Halifax, Benjamin Henry; Dummerston, Jason Duncan; Wilmington, Timothy Castle; Tomlinson (Grafton), David Palmer; Marlboro, Jonas Whitney.

## RUTLAND COUNTY

Rutland, Nathaniel Chipman; Hubbardton, James Churchill; Orwell, Ebenezer Wilson; Danby, Daniel Shearman; Pittsford, Thomas Hammond; Pawlet, Lemuel Chipman; Castleton, Noah Lee; Middletown, Jonathan Brewster; Wells, Samuel Lathrop; Brandon, Nathan Daniels; Sudbury, Joseph Marvin; Benson, Asahel Smith; Fair Haven, Simeon Smith; Poultney, William Ward; Shrewsbury, Emanuel Cass; Tinmouth, John Spofford; Wallingford, Asahel Jackson; Chittenden, Samuel Harrison.

## WINDSOR COUNTY

Springfield, Simon Stevens; Chester, Daniel Heald; Hartford, Oliver Gallup; Windsor, Benjamin Greene; Hartford, John Marsh; Cavendish, Asaph Fletcher; Bethel, Michael Flynn; Andover, Moses Warner; Weathersfield, Nathaniel Stoughton; Woodstock, Benjamin Emmons; Sharon, Daniel Gilbert; Barnard, Silas



Tupper; Bridgewater, Benjamin Perkins; Pomfret, William Perry; Royalton, Heman Durkee; Norwich, Daniel Buck; Rochester, Enoch Emerson.

## ADDISON COUNTY

Addison, John Strong; Ferrisburg, Abel Thompson; Panton, Benjamin Holcomb; Middlebury, Samuel Miller; Monkton, John Ferguson; Bridport, John N. Bennet; New Haven, Oliver Pier; Vergennes, Alexander Brush; Salisbury, Eleazer Claghorn; Leicester, John Smith; Shoreham, Josiah Pond; Cornwall, William Slade; Whiting, Samuel Beach.

## ORANGE COUNTY

Fairlee, Nathaniel Niles; St. Johnsbury, Jonathan Arnold; Randolph, Josiah Edson; Maidstone, John Rich; Guildhall, David Hopkinson; Brookfield, Daniel Kingsbury; Williamstown, Cornelius Lynde; Tunbridge, Elias Curtiss; Vershire, Thomas Porter; Strafford, Peter Pennock; Bradford, John Barron; Corinth, Peter Sloeman; Barnet, Alexander Harvey; Peacham, William Chamberlain; Danville, Abraham Morrill; Newbury, Daniel Farrand; Thetford, Beriah Loomis; Lunenburg, Samuel Gates.

## CHITTENDEN COUNTY

Williston, Thomas Chittenden; Cambridge, John Fassett; Colchester, Ira Allen; Georgia, John White; Milton, Abel Waters; Charlotte, John McNeill; Essex, Timothy Bliss; Shelburne, W. C. Harrington; New Huntingon, Amos Brownson; Johnson, Jonathan

McConnel; St. Albans, Silas Hathaway; Hinesburgh, Elisha Barber; Fairfax, Joseph Beeman; Jericho, Martin Chittenden; South Hero, Ebenezer Allen; North Hero, Enos Wood; Burlington, Samuel Hitchcock.

The convention met at eleven o'clock, Thursday forenoon, January 6, presumably in the old meeting house where sessions of the Legislature were held, and organized by electing Thomas Chittenden president; Moses Robinson, vice president; and Roswell Hopkins, secretary. At the afternoon session the various acts of Vermont and New York which related to the admission of Vermont to the Union were read, together with the Constitution of the United States. Rules for transacting business were adopted and adjournment was taken until the following morning.

When the convention reassembled Friday morning the Constitution was read again and Mr. Niles of Fairlee moved that it be taken up paragraph by paragraph. Mr. Greene of Windsor declared that the situation of Vermont differed in some respects from that of any State that had joined the Union. He thought it might be better to discuss first whether it would be expedient or inexpedient for Vermont to enter the Federal Union. Samuel Williams in his "History of Vermont," writing only a few years after the events of this period had occurred, said of this convention: "The members were not all agreed in the expediency of being connected with the thirteen States, and it was doubted whether a majority of the people were for the measure. Several members of this Convention wished to defer the consideration of the question to a more distant period." He

observed, however, that a large majority of the members were convinced that the matter could not longer be postponed.

When the issue was raised by the delegate from Windsor, involving the broad question of the advantages and disadvantages of joining the Federal Union, Nathaniel Chipman arose in his place to advocate the ratification of the Constitution of the United States. He had been more active, probably, than any of his Vermont contemporaries in making possible a final settlement of the controversy with New York. His active participation in the negotiations made him the logical spokesman on this occasion, and no man in this convention, with the possible exception of Stephen R. Bradley, was better qualified to set forth the desirability of becoming one of the United States of America. Nathaniel Chipman at this time was thirty-eight years old, and the only Judge of the Supreme Court of Vermont who was a lawyer. He had left Yale College near the end of his senior year to accept a Lieutenant's commission in the American army. Coming to Vermont in 1779, he had distinguished himself as an attorney and as a leader in public affairs.

In opening the discussion Judge Chipman called attention to the fact that Vermont was small in area, "wholly inadequate to support the dignity or to defend the rights of sovereignty," and he referred to the inconveniences which small States must endure. Continuing, he said, in part: "Vermont, continuing independent, would not be liable to all the inconveniences I have mentioned—but she will be liable to many and great inconveniences.

In the vicinity of, and almost encircled by, the United States, now become great and powerful through the means of an energetic system of government, our intercourse with them must be on very unequal, and frequently on very mortifying terms. Whenever our interests clash (and clash they will at some time) with those of the Union, it requires very little political sagacity to foretell that every sacrifice must be made on our part. When was it ever known that a powerful nation sacrificed or even compromised their interest in justice to a weak neighbor, who was unable to make effectual demands? and who shall be a common judge?

“There is not any prospect of an immediate war between the United States and Great Britain, but from their mutual recriminations relative to the observance of the late treaty, and from the retention of the frontier posts in the hands of the British, contrary to express stipulation, such an event is one day to be apprehended. Should that take place, Vermont would be in a situation much to be regretted. Our local situation with the United States, and our connection with many of their inhabitants—cemented by all the ties of blood and kindred affection, would forbid an alliance with Great Britain. As allies of the United States we should experience all the resentment of an enemy, whom, by our voluntary alliance we had made such, and to whose depredations from our frontier situation we should be continually exposed. And should we experience in the United States that quick sense of the injuries we should suffer? Would they fly to our defence with the same alacrity, with the same national spirit, as they would de-



fend themselves, if attacked in one of their own members? Would they attend equally to our interest as to their own in the settlement of peace, or in finally adjusting the expenditures of the war? The supposition is highly chimerical; nor less chimerical the idea that by observing a neutral conduct we may enjoy the blessing of peace, while the flames of war rage on every side. Our country, from its situation, would become a rendezvous and a thoroughfare to the spies of both nations. Our citizens would frequently be tempted by both to engage in a nefarious correspondence of that kind. Every act of friendship or even of common courtesy, to one party, would excite the jealousy of the other. Their armies, to whom we should not be in a condition to refuse a passage, would think themselves justified on the very least pretext of necessity in seizing our property for the use of their service. Thus we should equally be misused, equally despised and equally insulted and plundered by both.

“Again we may view this subject as it relates to the improvement of knowledge, and liberal science. Confined to the narrow limits of Vermont, genius, for want of great occasions and great objects, will languish in obscurity: the spirit of learning from which nations have derived more solid glory than all heroic achievements, and individuals beyond the common lot of humanity have been able to contribute to the happiness of millions, in different parts of the globe—will be contracted, and busy itself in small scenes—commensurate to the exigencies of the State, and the narrow limits of our government. In proportion as the views are more

confined—more local, the more firmly riveted on the mind are the shackles of local and systematic prejudices; but received into the bosom of the Union, we at once become brethren and fellow citizens with more than three millions of people—instead of being confined to the narrow limits of Vermont, we become members of an extensive empire. \* \* \* As an inland country, from the encouragement given to arts and manufactures, we shall receive more than a proportional advantage. And in the event of war an attack upon us will be felt through every member of the Union: national safety, national pride and national resentment—a resentment, not the petulance of a tribe, but great as the nation offended, will all conspire in our defence. In a word, independent, we must ever remain little, and, I might almost say, contemptible; but united we become great, from the reflected greatness of the empire with which we unite.”

On Friday afternoon Mr. Emmons of Woodstock urged that there should be no haste in considering such weighty matters. He feared, as did others, that little attention would be paid to the treaty with New York if land trials should be brought before a federal court; and, doubts had been expressed concerning the right of New York to cede to Vermont the property of individuals. Stephen R. Bradley, Israel Smith, and others replied to Mr. Emmons, Mr. Bradley eloquently defining the right of sovereignty in the several States.

Mr. Buck of Norwich objected to discussing the Constitution paragraph by paragraph. In a lengthy speech he opposed the ratification of the Constitution at that

time. In Vermont there was no clash of landed and mercantile interests. The lord and the tenant were unknown. The laws were simple and suited to the whole people. The machinery of government was so small that everyone could see the wheels move, and all citizens were politicians. In his opinion Vermont must make a sacrifice if she gave up her independence, as her interests must yield to those of the Union. He observed that "the blessings resulting to Vermont from her union with an extensive empire, enumerated by the honorable member from Rutland, though very plausible, would not apply to the bulk of the people. Some few favorites of fortune who, from circumstances of birth and advantages of education might consider themselves fair candidates for some part in government, might be animated by the magnitude of the object, and soar to the height of science; but this number must be small, while on the other hand, the affairs of government being at such a remove from the eye of the people they could have no knowledge of their transactions, and would naturally degenerate into a state of ignorance."

Mr. Buck feared that a powerful government would have a tendency to destroy equality among the people and induce evils attendant upon the courts of monarchs. He added, "It must therefore be a grave point that Vermont (taking into view the bulk of the people) must be happier unconnected with any other power, than to be in the Union—and nothing but necessity could warrant her accession to the Federal Constitution; therefore if it was possible for her to support her independence, it was her wisdom to remain independent." He conceded

that in the event of war between America and Great Britain this would be impossible, but he thought there was no probability of such a conflict. He also admitted that Congress had the power so to embarrass Vermont and hedge her up that it would be impossible for the State to exist, but that such a course would not be for the interest of the United States to follow. Mr. Buck declared that Congress never had noticed Vermont, or taken one step that indicated a wish for union. All that had been done was a result of New York's desire to retain the seat of the Federal government, which was considered by that State more important than her claim to Vermont lands. For this reason New York, hitherto an avowed enemy, was exerting her influence to the utmost to bring Vermont into the Union, in order to "add another weight to the Northern scale."

Stephen R. Bradley replied to Mr. Buck, saying that most of the arguments advanced would apply equally against ever adopting the Constitution. He said that Vermont was totally incapable of supporting the rights of sovereignty, or protecting her citizens from invasion. If Vermont were to be treated as a sovereign State, then Congress would be likely to withdraw all protection. If the State belonged to the United States and refused to adopt the Constitution, then the general government probably would compel her to come into the Union or dismember her among the several States. He declared that "Vermont would enjoy a full participation of the benefits of every seaport in the United States, a recognition of her sovereignty, protection from foreign invasion, security against intestine convulsions, and the



many blessings ensured by a mild and energetic government." Mr. Bradley was supported by Samuel Hitchcock, Israel Smith and others.

When the Saturday morning session opened Mr. Buck of Norwich informed the convention that a more careful examination of the United States Constitution made the previous evening had convinced him that the power of Congress was not as great as he had supposed and the rights of the State were more carefully guarded, therefore the danger that a State might lose its sovereignty by entering the Union was not as great as he had imagined. He still believed, however, that it was not wise for Vermont precipitately to seek for union. Israel Smith replied to Mr. Buck and was followed by Mr. Loomis of Thetford, who thought the ratification of the Constitution would operate as a repeal of the Vermont act for specifically fulfilling contracts. Mr. Greene of Windsor thought there might have been an advantage under the old Confederation in remaining independent. Surrounded on three sides by members of the Union, Congress could compel Vermont to join on its own terms by prohibiting exportation to or importation from Vermont. Canada was a poor market and soon overstocked. As no objection had been made to the Constitution itself, but only to the expediency of its present adoption, he was clearly of the opinion that by immediate ratification Vermont would acquire "energy at home and respectability abroad."

Mr. Emmons of Woodstock wished to proceed with the utmost deliberation. As the convention was acting for future generations, and the decisions made might

affect posterity to the end of time, he desired adjournment to some future day, perhaps until the first of the following October. He thought the people had not yet decided that they were ready to enter the Union. They were not familiar with the Constitution, they were still jealous of New York, and feared "lest some trap should be found hidden by a fair disguise." Mr. Loomis of Thetford could see no reason for haste. America was at peace with all nations and Vermont could not be endangered by taking a few months for consideration. He thought the people should have a better opportunity to become acquainted with the Constitution, and to obtain assurances that their landed property would be secure.

Judge Chipman called attention to the fact that Vermont had sought an opportunity to join the Union for years, and he could see no reason for adjournment. Mr. Bradley of Westminster urged immediate action. New York might have discharged its debts and accumulated wealth by means of State imports, but they had generously relinquished these rights to the Nation. Mr. Niles of Fairlee favored a full and fair discussion but objected to any postponement of the subject under consideration. A motion made by Mr. Bradley that a committee be appointed to draw up a suitable form of ratification was carried by "a great majority." Adjournment was then taken until Monday morning.

When business was resumed on the morning of January 10, the committee reported a form of adoption of the United States Constitution, which was read and de-

bated. Ira Allen proposed an amendment, which was agreed to, and the report was adopted unanimously.

The act declared: "Every impediment to the admission of Vermont to the Union is removed in full faith and assurance that the same will stand approved and ratified by Congress; this convention having impartially deliberated upon the Constitution of the United States of America as now established, submitted to us by an act of the General Assembly of the State of Vermont, passed October the twenty-seventh, One Thousand Seven Hundred and Ninety, do in virtue of the power and authority to us given for that purpose, fully and entirely approve of assent to and ratify the said Constitution; and declare that immediately from and after this State shall be admitted by the Congress into the Union, and to a full participation of the benefits of the government now enjoyed by the States in the Union, the same shall be binding on us and the people of the State of Vermont forever."

This ratification was agreed to and signed on January 10 by one hundred and five out of a total of one hundred and nine delegates. Those who did not sign were Daniel Heald of Chester, Moses Warner of Andover, Benjamin Perkins of Bridgewater and Enoch Emerson of Rochester. All of these dissenters were Windsor county men, and the reports of the convention proceedings show that most of the arguments against the Constitution or in favor of delay in its ratification were made by members from that county.

The convention recommended to the Legislature that the so-called betterment acts for quieting disputes con-

cerning landed property be in no wise impeached by any negotiations with Congress: that the tender acts be so modified that they should be "least obnoxious to the Constitution of the United States and least prejudicial to the citizens of this and the United States," where contracts were subject to these laws; and that as soon as the State was admitted to the Union the most effectual means should be taken to procure an equitable adjustment of the expenditures of Vermont during the war with Great Britain.

The newspapers of the period indicate that the news of Vermont's ratification of the United States Constitution was received with expressions of joy, not only in Vermont, but also in other States. When a message was received in Albany, N. Y., telling of Vermont's action, a company of artillery paraded in uniform and fired a national salute of fourteen guns from Fort Hill, which was followed, says a newspaper account, dated at Albany, "by three cheerful huzzas from a number of our most respectable citizens."

An act was passed by the Legislature on January 20, 1791, designating Nathaniel Chipman and Lewis R. Morris as commissioners, whose duty it was to secure the passage of the necessary acts of Congress admitting Vermont to the Union. It appears that Noah Smith accompanied these delegates to Philadelphia. Another act passed at this session of the Legislature divided Vermont into three Congressional districts, the first district including Bennington and Windham counties; the second district, Windsor and Orange counties; the third district, Rutland, Addison and Chittenden counties.



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Anticipating the possibility that Congress might provide for only two Representatives, the act provided that in such an event the counties on the west side of the Green Mountains should constitute the first district and those on the west side, the second district.

President Washington, on February 9, 1791, sent the following message to Congress: "I have received from the Governor of Vermont authentic documents expressing the consent of the Legislatures of New York and of the Territory of Vermont, that the said Territory shall be admitted to be a distinct member of our Union, and a memorial of Nathaniel Chipman and Lewis R. Morris, commissioners from the said Territory, praying the consent of Congress to that admission, by the name and style of the State of Vermont; copies of which I now lay before Congress, with whom the Constitution has rested the object of these proceedings."

It was ordered by the Senate that the President's message relating to Vermont, together with the accompanying papers, should be referred to a committee composed of Senators Rufus King of New York, James Monroe of Virginia, Oliver Ellsworth of Connecticut, John Langdon of New Hampshire and Benjamin Hawkins of North Carolina. On the following day, February 10, Senator King reported a bill for the admission of Vermont into the Union and it was ordered to a second reading. On February 11 a supplementary bill was reported, apportioning two Representatives each to the States of Vermont and Kentucky, and by unanimous consent the bill was ordered to a third reading. On February 12 the Senate passed both the bill admitting

Vermont as a State of the Federal Union and the measure providing for the election of Representatives. A message from the House of Representatives, received by the Senate on February 14, gave the information that that body had passed the Vermont bill in concurrence.

The text of the act, for which Vermonters had waited long, was brief, and read as follows: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared, that on the fourth day of March, One Thousand Seven Hundred and Ninety-one, the said State, by the name and style of the 'State of Vermont,' shall be received and admitted into this Union, as a new and entire member of the United States of America."

This act was signed by Frederick A. Muhlenbergh, Speaker of the House of Representatives, John Adams, Vice President of the United States, and George Washington, President of the United States. The act was attested by Thomas Jefferson, Secretary of State, and the President's signature bears date of February 18, 1791. Other acts provided that until an actual enumeration should be made the State should choose two Representatives, and set in motion the machinery of United States Government in Vermont. The last named bill declared in substance that all the laws of the United States not locally inapplicable, should have the same force and effect in Vermont as elsewhere in the Nation; that one judicial district should be established, sessions of the United States Court to be held alternately at Rutland and Windsor, beginning the first Monday of

the following May; that this district should be annexed to the eastern circuit, sessions to be held at Bennington beginning June 17, 1791; that the enumeration of the inhabitants should begin the first Monday of April, 1791, and close within five months thereafter; that the act providing for the collection of duties on imports and on the tonnage of ships should be carried into effect in Vermont; that there should be one customs district and one port of entry, at Alburg, on Lake Champlain. The annual salary of the United States Judge was fixed at eight hundred dollars and the compensation of the United States Marshal was two hundred dollars.

A letter from Judge Chipman to Governor Chittenden says: "In the prosecution of our mission we experienced every possible attention and friendly assistance." He called attention to the fact that the act of Congress admitting Vermont acknowledged that it was a State already formed and this admission conceded the right of sovereignty. Such a right, independent of union with the United States, in the opinion of the writer, clearly secured the property of Vermonters, as a sovereign State possessed the right to make grants of land. It is evident that Kentucky made an earnest effort to be admitted as the fourteenth State and the partisans of that district were displeased at the delay. At one time it seemed probable that Vermont and Kentucky might come into the Union together.

The admission of Vermont to the Union was observed at Rutland on March 8 by a celebration in the town square. The Federal standard was hoisted at six o'clock in the morning, the flag bearing fifteen stripes

and fifteen stars, including one each for Vermont and Kentucky, although the latter State was not formally admitted until June 1, 1792. In the afternoon a large number of citizens assembled at Williams' Inn, including the Judges of the Supreme Court, the Attorney General, the clergy of the vicinity and citizens of Vermont and neighboring States. After what was described as "an economical collation," fifteen cannon were fired by a volunteer corps of artillery, and the following toasts were drunk: "The President"; "The Vice President and Congress"; "The Allies of the United States"; "The State of New York"; "His Excellency, Governor Chittenden"; "The Union of Vermont with the United States—May It Flourish Like Our Pines and Continue Unshaken as Our Mountains"; "May the New States Soon Rival the Old in Federal Virtues"; "May the Federal Officers of the District of Vermont Act with Integrity and Merit the Confidence of the People"; "May the Patriotism of America Secure It from Venality"; "The Union of States, Interests and Hearts"; "Arts, Sciences, Manufactures and Agriculture"; "The Clergy, May They Dispel the Clouds of Ignorance and Superstition"; "The Memorable 16th of August, on Which Was Fought the Glorious Battle of Bennington"; "The Conjugal Union and Rising Generation"; "May We Never Experience a Less Happy Moment than the Present under the Federal Government."

The following song, composed for the occasion, was sung, led by a select choir of singers, to the tune, "Washington's Birthday":



Come every Federal son,  
Let each Vermonter come,  
And take his glass,  
Long live great Washington,  
Glory's immortal son;  
Bright as the rolling sun,  
O'er us doth pass.

Hail, hail this happy day,  
When we allegiance pay,  
T'our Federal head,  
Bright in these western skies,  
Shall our new star arise,  
Striking our enemies  
With fear and dread.

Come each Green Mountain Boy,  
Swell every breast with joy,  
Hail our good land,  
As our pines climb the air,  
Firm as our mountains are,  
Federal beyond compare,  
Proudly we stand.

Fill, fill your bumpers high,  
Let the notes rend the sky,  
Free we'll remain,  
By that immortal crown  
Of Glory and renown,  
Which our brave heroes won  
On blood stain'd plain.

Then come, join hand in hand  
Like a firm Federal band,  
    Bound by our (one) law,  
From our firm union springs,  
Blessings unknown to kings,  
Then each shout as he sings,  
    Federal huzza.

Following the song this toast was drunk: "May the Vermonters Become as Eminent in the Arts of Peace as They Have Been Glorious in Those of War." The festival was concluded "with continued demonstrations of joy," which included a ball in the evening.

The first United States officers in Vermont were appointed by President Washington, as follows: Supervisor of Excise and Impost (Collector of Internal Revenue), Noah Smith of Bennington; Judge of the District of Vermont, Nathaniel Chipman of Rutland; District Attorney, Stephen Jacob of Windsor; Marshal, Lewis R. Morris of Springfield; Collector of the Port of Alburg, Stephen Keyes of Burlington.

Noah Smith was a native of Suffield, Conn., and a graduate of Yale College in the class of 1778. Among his classmates were Stephen Jacob, Noah Webster, the lexicographer, and Gov. Oliver Wolcott. Immediately after graduation he came to Vermont, settling at Bennington. He had been State's Attorney and Clerk of Bennington County Court, and Judge of the Supreme Court. Stephen Jacob, a native of Sheffield, Mass., came to Bennington with Noah Smith, his classmate at Yale, in 1778, but removed to Windsor in 1780. He

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had been a member of the Council of Censors and was one of the commissioners who settled the controversy between Vermont and New York. Lewis R. Morris was a native of New York, who settled in Springfield in 1786. He was a member of the convention that ratified the United States Constitution and one of the commissioners sent to Congress to negotiate for the admission of Vermont as a State in the Union.

An election had been held for United States Senator on January 19, 1791. The Council had nominated Moses Robinson of Bennington and Nathaniel Niles of West Fairlee. Later in the day the Governor and Council met the House in grand committee, when Moses Robinson and Stephen R. Bradley of Westminster, were declared elected. As this election was held several weeks before Vermont was actually admitted to the Union, some doubt seems to have arisen regarding the legality of the proceedings. On October 10, 1791, Moses Robinson addressed letters to Governor Chittenden and Speaker Olin, calling attention to the suggestion that had been made to the effect that the election was premature, and urging a speedy decision of the matter, as Congress was to meet the latter part of the month. One of these letters was read in the House on October 15, and on motion of Matthew Lyon of Fair Haven, the election was declared premature. Both Houses met in grand committee and after an extended debate, the vote of the House was sustained and a new election was ordered on October 17. On the morning of that day Stephen R. Bradley appeared on the floor of the House and resigned his credentials as United States Senator into the hands

of the Secretary of State. In the afternoon Moses Robinson was elected first Senator and Stephen R. Bradley, second Senator.

The names of the unsuccessful candidates are not given in the official records or in the Vermont newspapers. The only hint is found in a copy of a humorous handbill, posted in Windsor on the day preceding the election and reproduced in the *Vermont Journal* of October 18, 1791, which characterized the election as "Federal Racing." It is given herewith, the matter in parentheses being supplied by E. P. Walton in "Governor and Council": "Eastern Racers—The Past-Time (Stephen R. Bradley), Peacock (possibly Elijah Paine), Pretty Town Horse, Old Roger (Roger Enos), Narragansett Pacer (Jonathan Arnold), Connecticut Blue (Nathaniel Niles). Western Racers—The Old Script (Moses Robinson), Jersey Sleek (Isaac Tichenor), Figure, Bold Sweeper (probably Matthew Lyon), Northern Ranger (probably Samuel Hitchcock)." In the Senate Mr. Bradley drew the four-year term and Mr. Robinson the full term of six years.

Stephen Row Bradley was born at Wallingford (later known as Cheshire), Conn., February 20, 1754, being the son of Moses and Mary (Row) Bradley, and a grandson of Stephen Bradley, who emigrated to America in 1637, after serving as a member of Cromwell's Ironsides. Stephen R. Bradley was graduated from Yale College in 1775, and early in 1776 entered the American army as a Captain of volunteers. Later he served as Quartermaster and as aide on the staff of General Wooster. In 1779 he came to Vermont and began





Map Prepared by James Whitelaw, Surveyor General of Vermont



to practice law. The first admissions to the State bar were Stephen R. Bradley and Noah Smith, at Westminster, May 26, 1779. About this time he prepared "Vermont's Appeal to a Candid and Impartial World," one of the ablest presentations ever made of Vermont's case against the enemies that sought to gain sovereignty over her territory. In June, 1780, he was appointed State's Attorney for Cumberland county. He had been one of the agents appointed to present the claims of Vermont to the Continental Congress. He was Clerk of the House in 1779, member of the House in 1780, 1781, 1784, 1785, 1788 and 1790 and in 1785 was Speaker. In 1783 he was Judge of the County Court, from 1788 to 1789 Judge of the Supreme Court, and Register of Probate, from 1781 to 1791. He was a Colonel of Vermont militia, served on the staff of Gen. Ethan Allen, and in 1791 was elected a Brigadier General. He was a man of popular manners and keen insight. His son-in-law, S. G. Goodrich (Peter Parley), says General Bradley "was distinguished for political sagacity, a ready wit and boundless stores of anecdotes."

Under date of August 1, the *Vermont Gazette* announced that Nathaniel Niles had been elected Representative from the Eastern district by a majority of one hundred and fifty votes. The names of his competitors were not given. The first member of Congress elected was one of the most versatile men ever in the service of the State. Born in South Kingston, R. I., in 1741, he began a collegiate course at Harvard, graduating at Princeton. He studied theology, law and medicine; taught school in New York City; preached at Norwich

and Torrington, Conn.; engaged in mechanical experiments, inventing a process of making wire from iron, and building a woolen card manufactory at Norwich, Conn. He ardently supported the American cause in the Revolutionary War, and in 1776 wrote an ode, entitled "The American Hero," which was used as a war song by New England soldiers. Emigrating to Vermont, he settled in Fairlee, where he preached in his own house every Sunday for twelve years. He soon became active in public affairs. It is very interesting to note that several clergymen held important political offices during the early period of Vermont history. Niles was elected a member of the Legislature in 1784 and was chosen Speaker. During the same year he was appointed one of the agents sent by Vermont to transact business with Congress. He was a member of the Vermont Supreme Court, 1784-88; a member of the Council, 1785-87; and was a member of the Convention which ratified the United States Constitution, being one of the leaders in advocating union with the United States. He served in Congress for four years. After retiring from Congress he served several terms in the Legislature, was a member of the Council of Censors and served in the Constitutional Convention of 1814. In this convention he was chairman of the committee that reported adversely upon the amendment proposed by Pennsylvania and Tennessee to reduce the term of United States Senators from six to four years. He strongly opposed slavery and was one of the leaders in the Legislature in refusing to send delegates to the Hartford Convention, which opposed the War of 1812. In politics he



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was an anti-Federalist, or Jeffersonian Republican, like his colleagues, Senators Robinson and Bradley.

In the Western district no candidate received a majority of the votes cast and there was no election. Matthew Lyon of Fair Haven led, with 597 votes; Israel Smith of Rutland had 573; and Isaac Tichenor of Bennington, 473. The letters which appeared in the *Vermont Gazette* show that Lyon posed as the foe of aristocracy and intimated that the lawyers and genteel people were his opponents. Another letter conveys the impression that Tichenor had withdrawn from the second contest for Representative in the interest of Israel Smith, to purchase the influence of "brother Noah," perhaps Noah Smith, "brother Nat," probably Nathaniel Chipman, and others to place him in the Senate and "oust old Moses," meaning Moses Robinson. Later Mr. Tichenor wrote a letter to the *Gazette* announcing that he would not be a candidate for the special Congressional election, denying "the base insinuations" of an anonymous writer, and hinting that Lyon had been writing letters, dialogues, etc., to help himself.

The *Gazette* of September 26 announced that Israel Smith had been elected, the vote being, Smith, 2,588; Lyon, 1,112; Tichenor, 85. Lyon published a letter a column in length, thanking his supporters for their aid, referring to "this bold struggle to emancipate this country from the domination of a set of men, who had assumed all appointments upon themselves," and having much to say of equal rights and the rights of man. The letter was sprinkled with epithets, probably aimed at Isaac Tichenor, whose supporters apparently voted for

Smith. The successful candidate was of the same political faith as Lyon, and the entire Congressional delegation was anti-Federalist.

Israel Smith was born in Sheffield, Conn., in 1759. He was graduated from Yale College in 1781 and in 1783 came to Rupert, where he was admitted to the bar. He was a member of the Legislature in 1785 and in 1788-90, and soon became prominent in State affairs. He was a member of the commission that settled the controversy with New York and a delegate to the convention that ratified the United States Constitution. He had removed to Rutland the same year in which he was elected to Congress. Later he served the State as Chief Justice of the Supreme Court, United States Senator and Governor.

An act was passed by the Legislature in 1791, levying a tax of a half-penny per acre on all lands in the State in order to raise the sum of \$30,000 to be paid to New York by Vermont, in accordance with the agreement relative to the relinquishment of New York's claims to lands in this State. This sum was not easily raised. The people were poor and there was a scarcity of money in circulation. Vermont being unable to pay the whole amount at the time agreed upon, the New York Legislature extended the time of payment. When the greater part of the \$30,000 had been paid, Robert Yates, John Lansing, Jr., and Abraham Van Vechten were appointed commissioners to decide all claims made by citizens of New York to a share of this fund. Many claims were filed, the aggregate amount far exceeding the amount stipulated in the agreement. It was not until April 23,

1799, that the commissioners made their report, which allowed seventy-six claims. The largest amounts were paid as follows: Goldsbrow Banyar, \$7,218.94; Samuel Avery, \$2,655.03; the heirs of James Duane, \$2,621.29; William Cockburne, \$1,495.95; Simon Metcalf's estate, \$1,417.47; Brooke Watson, \$1,197.76; William Smith, \$1,181.69; John Plenderleaf, \$1,096.68.

The first census report, as subsequently corrected, gave Vermont a population of 85,425. Rhode Island, Delaware, Kentucky and Georgia ranked below Vermont in total number of inhabitants at this time. The population by counties was as follows: Addison, 6,420; Bennington, 12,206; Chittenden, 7,287; Orange, 10,526; Rutland, 15,590; Windham, 17,572; Windsor, 15,740. More than one-third of the population of the State was in the counties of Windham and Windsor, and together with Bennington and Rutland counties, comprising the southern portion of the State, they contained more than three-fourths of the population of Vermont.

The most populous town was Guilford, with a population of 2,422. Other towns containing a population of more than 1,000 as shown by the first census, were as follows: Bennington, 2,350; Shaftsbury, 1,990; Putney, 1,848; Pownal, 1,732; Hartland, 1,652; Westminster, 1,599; Woodstock, 1,597; Brattleboro, 1,589; Windsor, 1,542; Dummerston, 1,490; Clarendon, 1,480; Rutland, 1,417; Manchester, 1,278; Halifax, 1,209; Danby, 1,206; Norwich, 1,158; Weathersfield, 1,146; Poultney, 1,120; Springfield, 1,097; Rupert, 1,034.

The character of the population is shown by the fact that approximately 81,200 persons were of English

origin and 2,600 were of Scotch extraction, these two racial elements comprising more than 98 per cent of the total population of the State at the time of its admission to the Union.

Soon after Vermont became a State, Thomas Jefferson, Secretary of State, and James Madison, then a member of Congress from Virginia, visited Bennington. They had travelled about four hundred miles and expected to travel four hundred and fifty miles further before the end of their journey. They had visited the scene of General Burgoyne's surrender, the sites of the well known forts, William Henry, George, Ticonderoga and Crown Point, and the battlefield of Bennington. Jefferson's keenness of observation is shown in a letter written to Thomas Mann Randolph, in which he describes the trees, shrubs and flowers in the vicinity of Bennington. Among the trees, either rare or unknown in Virginia, he mentions the sugar maple "in vast abundance." The letter says: "From the highlands to the lakes it is a limestone country. It is in vast quantities on the eastern side of the lakes, but none on the western sides." This "limestone country" is now the most famous marble region in the world. Jefferson also referred to a small red squirrel, generally about six inches in length, with a black stripe on each side, "in such abundance on Lake Champlain, particularly, as that twenty odd were killed at the house we lodged in opposite Crown Point the morning we arrived there without going ten yards from the door." Several were killed while the party was crossing the lake. It is evident that the distinguished visitors lodged at Chimney Point,



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opposite Crown Point, and presumably at the old inn, still used (1921) for the entertainment of summer visitors, a part of which was built some time before the American Revolution.

Jefferson and Madison arrived at Bennington on Saturday evening, June 4, on their way to Connecticut, remaining over Sunday. That they made a good impression is evident from the comment of the *Vermont Gazette*, which says, in describing the visit: "They expressed great satisfaction with the country through which they had passed on their tour, and, from the affability and polite attention they paid the citizens of Bennington, and doubtless those of the different places they visited, on their route, it is reasonably to be presumed they not only ingratiated themselves deeply with the discerning, but obtained unreservedly the sentiments of the people, and secured to themselves a fund of political knowledge which cannot fail to render them more essentially serviceable to their country.

"They attended public worship on the Sabbath and left town before sunrise the next morning. Examples like these bespeak the gentlemen of good breeding, and the man of business, and are worthy of imitation by all ranks and descriptions of men in our republic." Jefferson, himself, states, however, in his letter to Thomas Mann Randolph, that their stay in Bennington was prolonged because the laws of the State did not permit the tourists to travel on Sunday.

Vermont had now complied with all the formalities required by the laws and the Constitution and had become a State of the American Union with all the privi-

leges and responsibilities of Statehood. The little republic had become merged in the greater Nation.

## CHAPTER XXVIII

### “OUT OF GREAT TRIBULATION”





**D**URING the quarter of a century that elapsed between the time when the royal Governor of the Colony of New York formally laid claim to the region known as the New Hampshire Grants, and the admission to the Federal Union of the State of Vermont, eldest daughter of the new Republic, one of the most thrilling chapters of American history was written. Here, in the shadow of the Green Mountains, a little band of pioneers were victors in a contest against odds such as no other commonwealth in our Nation has had to overcome. For sheer audacity, for dogged persistence, for courage born of desperation in defence of homesteads won by toil and sacrifice from the primeval forest, for fertility of resource, for devotion to liberty, there is nothing in the story of our national existence more worthy of admiration than the struggle for freedom made by this little mountain State against the might of a foreign foe, the hostility of powerful neighbors, and the intrigues of enemies within her own household.

The people who settled the New Hampshire Grants were typical New Englanders. They came largely from Connecticut, where self government was more nearly approached than in any other American colony. Their purpose was to establish homes, to clear the land and till the soil with their own hands, not to purchase landed estates to be cultivated by tenants. These sturdy pioneers in a sense were all picked men, resolute and fearless, who had come into the wilderness prepared to brave all its perils. Cowards, idlers, incompetents and weaklings did not voluntarily forsake the comforts and the safety of civilized communities for the hardships and

dangers of the forest. Nowhere else in America were there men less likely to be driven by fraud or force from the homes they had established.

A brief recapitulation of the more important events of the period may be helpful.

The people of the New Hampshire Grants refused to purchase again under a New York title lands which already they had bought, assuming the additional burden of the payment of exorbitant fees, and they sent one of their number, Samuel Robinson, to London to petition the King for relief.

When a writ of ejectment was served upon James Breakenridge of Bennington by New York officers in 1769, the surveyors found it prudent to retire, as they observed that a company of farmers at work in the owner's cornfield were equipped with guns as well as harvesting tools.

When the trial of ejectment suits at Albany had demonstrated that no justice could be obtained in New York courts for settlers holding New York titles, a town meeting, held at Bennington, determined that until the King finally decided the controversy, the lands in dispute should not be surrendered.

When Sheriff Ten Eyck and a posse from Albany attempted to seize the Breakenridge farm, they found that the town of Bennington had taken possession and the house was defended by armed and resolute men. The attacking party, not desiring a battle, withdrew and left Breakenridge in possession.

When news was received that Governor Tryon and a detachment of British troops were coming to conquer

the Green Mountain Boys, cannon and ammunition were obtained and an ambushade was formed. The alarm proved false, but the report of the episode reached Albany, where its significance was appreciated.

When New York officials attempted to enforce the authority of that colony they were chastised with "the twigs of the wilderness," and settlers who tried to occupy New York grants were evicted with scant courtesy.

Ethan Allen and other leaders were not intimidated when New York declared them outlaws and set a price upon their heads. A body of militia was organized and committees of safety performed the most necessary governmental functions.

When the American colonies revolted from British rule the land controversy was temporarily suspended. Ethan Allen and his Green Mountain Boys captured the fortress of Ticonderoga, the first aggressive act of the Revolution, and participated in the invasion of Canada. The battle of Hubbardton was fought under the leadership of Seth Warner; and at Bennington the first blow was struck at the prestige of Burgoyne, the British commander, which ended with his surrender at Saratoga.

During the progress of the war the people of this region established a State government and put it into successful operation. From time to time application was made to Congress for admission to the Union, but Vermont refused to submit, even temporarily, to New York's jurisdiction, pending a settlement of the controversy.

When the State government had been in operation only a little more than six months, a refusal to continue a union with certain New Hampshire towns caused nearly half the legislative body to withdraw, including the Lieutenant Governor and two members of the Council.

The attempts of residents of the Connecticut valley to destroy the new State and set up another to include part or all of New Hampshire and the eastern portion of Vermont, were frustrated in a single night by the tact and diplomacy of Ira Allen.

Claims to Vermont territory were made by New Hampshire, Massachusetts and New York, and with Canada on the north containing a hostile army, ready to strike, the new State literally was surrounded by enemies. With Congress indifferent, and all Continental troops and supplies withdrawn from her borders, the situation of Vermont was desperate. In this emergency negotiations with the British authorities in Canada were begun, with no intention of disloyalty to America, but merely to delay or prevent an expected British invasion, and to arouse Congress to the danger of a Vermont alliance with Great Britain. This dangerous expedient fully justified the wisdom of the Vermont leaders. A British army was kept inactive and Congress awakened to a keener sense of the importance of recognizing the claims of Vermont.

Gradually public opinion in favor of Vermont increased, as the situation was more clearly understood. Ethan Allen and Stephen R. Bradley set forth in vigor-



ous terms the justice of the Vermont cause and copies of these pamphlets were widely distributed. Ira Allen, skilled in diplomacy, visited neighboring States, and pleaded the cause of the Green Mountain Commonwealth. Grants of land were made judiciously by Vermont. Leading New York citizens like Hamilton, Morris and Jay saw the futility of continued opposition, but Governor Clinton refused to yield.

With the establishment of the national government, New York's desire to secure the national capital, and the need of a Northern State to balance the proposed admission of Kentucky, came Vermont's opportunity. New York yielded when the promise was made to pay the sum of \$30,000 to satisfy claimants under her land grants, and to Vermont came the honor of being the first State admitted to the Federal Union.

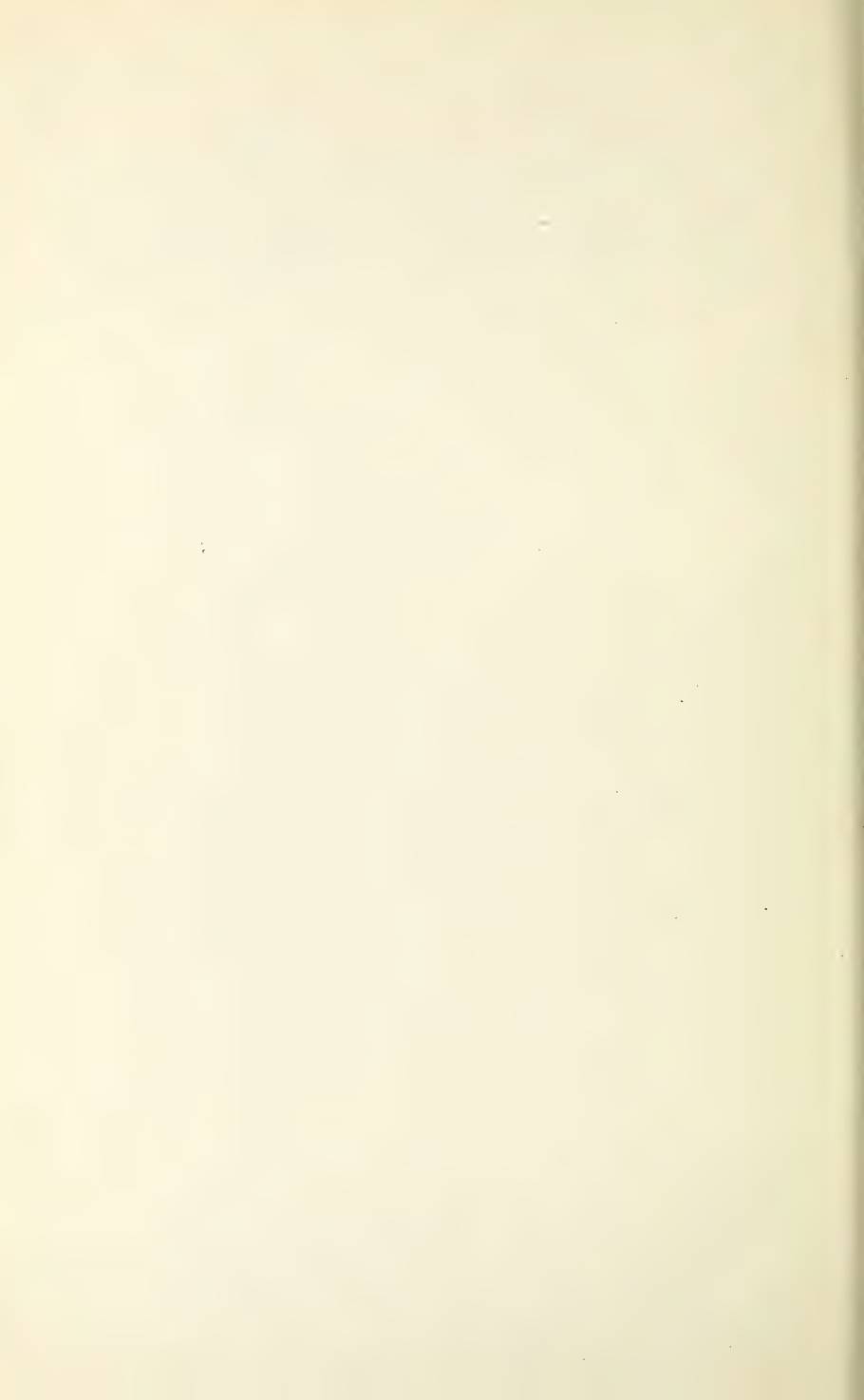
It was a long and weary way that had been travelled, a perilous journey. The attempt to resist the powerful colony of New York must have seemed hopeless at the outset to disinterested observers, if such there were in that day. But there were no such words as failure or defeat in the vocabulary of those early Vermont leaders. They knew how to fight, if necessary, how to play one opponent against another, how to plan and how to wait. They were men of courage and faith. They believed so thoroughly in their cause that they compelled a victory.

It is a marvelous and a romantic story, the record of this little band of untrained farmers, who first established a republic which later was recognized as a State. Like the saints and martyrs of the early church, truly

they had "come up out of great tribulation," and their achievements constitute a heritage of which their children's children to the remotest generation may well be proud.

## CHAPTER XXIX

### VERMONT'S RAPID GROWTH





THE first two decades of Vermont's history as a State of the Federal Union, has been called the Golden Age of the commonwealth. So far as this designation may apply to numerical growth it is fittingly bestowed; but the formative period of the commonwealth was far more notable for noble and courageous deeds, and during the Civil War a greater spirit of sacrifice and patriotic devotion was shown. In the larger and better sense of the term this was not Vermont's Golden Age.

During the last decade of the Eighteenth and the first decade of the Nineteenth century, immigrants in large numbers flocked into the Green Mountain State. The population increased from 85,425 in 1791 to 154,465 in 1800, and 217,895 in 1810. This represented a gain of 81 per cent during the first nine years of statehood and 41.1 per cent during the second decade. No Northern or Eastern State equalled Vermont in the percentage of growth during the first census period, and the only States of the Union showing a higher percentage of gain were Georgia, Kentucky and Tennessee, in the South. During the period between 1800 and 1810, Maine's percentage of growth was a little larger than that of Vermont. The States of southern New England were not growing rapidly at this time. The first period mentioned, 1790 to 1800, showed a gain in population in Massachusetts of 12 per cent; in Rhode Island, of 0.4 per cent; in Connecticut, of 5 per cent. The percentage of gain in population during the second period, 1800 to 1810, was as follows: Massachusetts, 11; Rhode Island, 11; Connecticut, 4. Many of the in-

habitants of southern New England, moved by ambition and a love of adventure, sought homes in the new State of Vermont, an emigration which had been going on since the close of the French and Indian War, although it had been interrupted during the hostilities of the Revolutionary period.

When Vermont was admitted to the Union, in 1791, 72 per cent of the population of the State dwelt in the four southern counties of Bennington, Windham, Windsor and Rutland. During the next nine years the tide of emigration flowed into the central and northern portions of the State, and into the mountain towns of the southern counties; and the movement continued into the same portions of the State from 1800 to 1810, although the percentage of growth was somewhat smaller. In 1800 the four southern counties contained 57 per cent of the population, but adding Addison and Orange counties to the group, it contained 77 per cent. In 1810 the four southern counties contained 49 per cent of the population, and the six counties mentioned included 68 per cent of the inhabitants of Vermont.

During the first decade of Vermont's existence as a State, four counties, Caledonia, Essex, Franklin and Orleans, were incorporated, all in 1792. The name Caledonia was given in honor of the Scotch settlers who had made homes in the southern part of the county. Danville was the first shire town. Between 1791 and 1800 the towns that composed the county gained 5,519 in population. Essex county made a threefold gain in population during the same period. The settlement of Franklin county was begun almost immediately after the

close of the Revolutionary War. In 1791 the towns that the next year were organized as a county contained a population of 1,472. In 1800 Franklin county contained 6,534 inhabitants.

Craftsbury, organized in 1792, and Greensboro in 1793, were the first Orleans county towns in which settlements were made. The growth was slow at first, but before the year 1800, settlements had been begun in all of the towns of the county except Charleston, Coventry, Holland, Jay, Lowell, Morgan and Westmore, and in that year settlers entered several of these towns hitherto uninhabited. In 1800, however, practically half the residents of Orleans county were located in the towns of Craftsbury and Greensboro.

Vermont's population by counties, according to the census of 1800, is given herewith. The counties of Grand Isle, Lamoille and Washington had not been organized at that time, but they are given in the accompanying table for convenience, the towns afterward included in those counties being grouped in this manner rather than with the counties of which they were then a part:

Addison .....	13,417
Bennington .....	14,617
Caledonia .....	7,566
Chittenden .....	9,551
Essex .....	1,479
Franklin .....	6,534
Grand Isle.....	2,498
Lamoille .....	1,751
Orange .....	16,318

Orleans .....	1,054
Rutland .....	23,813
Washington .....	5,342
Windham .....	23,581
Windsor .....	26,944

In 1800 the most populous towns in Vermont included the following: Guilford, 2,256; Bennington, 2,243; Windsor, 2,211; Woodstock, 2,132; Rutland, 2,125; Springfield, 2,032; Hartland, 1,960; Weathersfield, 1,944; Westminster, 1,942; Pawlet, 1,938; Shaftsbury, 1,895; Chester, 1,878; Brattleboro, 1,867; Randolph, 1,841; Clarendon, 1,789; Poultney, 1,694; Dummerston, 1,692; Pownal, 1,692; Rockingham, 1,684; Rupert, 1,648; Strafford, 1,642; Halifax, 1,600; Arlington, 1,597; Putney, 1,577; Royalton, 1,541; Danville, 1,514.

During the first census period eight Vermont towns lost population, the losses being considerable in three of the largest towns of the State, Bennington, Guilford and Putney.

Vermont's gain in population from 1800 to 1810 was 63,430. During the decade, Grand Isle county was organized (1802), the State then being divided into twelve counties. Washington county was organized (as Jefferson) a few months after the enumeration of 1810 was made, but Lamoille county was not formed until twenty-five years thereafter. These counties again are included in the table given herewith as a matter of convenience. The population by counties and the gains made during the decade were as follows:



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	<i>Population</i>	<i>Gain</i>
Addison .....	19,433	6,576
Bennington .....	15,892	1,276
Caledonia .....	14,966	7,400
Chittenden .....	14,646	5,095
Essex .....	3,087	1,608
Franklin .....	14,411	7,877
Grand Isle.....	3,445	1,608
Lamoille .....	4,021	2,270
Orange .....	21,724	5,406
Orleans .....	4,512	3,458
Rutland .....	29,487	5,674
Washington .....	9,382	4,040
Windham .....	26,760	3,179
Windsor .....	34,877	7,938

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The most populous towns of the State in 1810 were the following: Windsor, 2,757; Woodstock, 2,672; Springfield, 2,556; Bennington, 2,524; Rutland, 2,379; Chester, 2,370; Hartland, 2,352; Randolph, 2,255; Danville, 2,240; Pawlet, 2,233; Middlebury, 2,138; Weathersfield, 2,115; Shoreham, 2,033. Thirteen towns lost population during this census period, the heaviest losses occurring in Grand Isle, South Hero, Guilford and Arlington.

A few settlements in the north country of Vermont had been made before the outbreak of the Revolutionary War. A French outpost, Fort St. Anne, built on Isle La Motte in 1666, although only a temporary occupation, was the first white settlement within the present limits of Vermont. The owner of a French seigniorship established several families at Windmill Point in

Alburt, as early as 1731. It is known that there was a French settlement in Swanton in 1759, but it is probable that it was established at a much earlier date. In 1765, an Englishman, James Robertson, conducted a lumber business at the falls of the Missisquoi. The town derived its name from Capt. William Swanton, a British officer, who returned from the Louisburg expedition by way of Lake Champlain. St. Albans had one settler, Jesse Welden, before the Revolutionary War began. Two Essex county towns, Guildhall and Lunenburg, were settled during the Colonial period, the former in 1764, and the latter in 1768. Maidstone was settled in 1772. In Caledonia county, Scotch immigrants settled in Barnet and Ryegate before the War for Independence, and families came into Peacham in 1777.

Jonathan Arnold, formerly a member of Congress from Rhode Island, was one of the first settlers of St. Johnsbury, and Lyndon was named in honor of his son. The first settlers in Highgate were German soldiers who had served in the British army, and supposed, it is said, that they were establishing homes in Canada. The town of Hungerford changed its name to Sheldon in honor of one of its first settlers, Col. Elisha Sheldon, a distinguished Revolutionary officer, who was a friend of General Washington. Enosburg derived its name from Col. Roger Enos, one of the grantees, who was the father-in-law of Ira Allen. Elmore was granted to Col. Samuel Elmore, a gallant Revolutionary officer, and his associates; and Eden was chartered to Col. Seth Warner and officers and soldiers of his regiment; Hyde Park was named in honor of one of its grantees and early

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settlers, Capt. Jedediah Hyde, a Revolutionary officer, who participated in the battle of Bunker Hill. Wolcott was named in honor of Gen. Oliver Wolcott, one of the original proprietors, an eminent Connecticut statesman, who was a signer of the Declaration of Independence, and a friend of Vermont.

The last Vermont county to be settled was Orleans. Barton, in which the first settlement was made, was named in honor of one of the proprietors, Col. William Barton of Providence, who led the expedition which captured Sir William Prescott, the British commander in Rhode Island. Col. Ebenezer Crafts, a graduate of Yale College and an officer in the American Revolution, becoming financially embarrassed, sold his property at Sturbridge, Mass., and removed to northern Vermont, where he helped to establish a new township, which was called Craftsbury, in his honor. Here he gathered about him several families from his former home. The township of Glover was granted to Gen. John Glover of Marblehead, Mass., who conducted Burgoyne's army to Massachusetts after the British surrender at Saratoga. Irasburg was granted to Ira Allen and his associates. Much of the land in the town of Jay was granted to John Jay, the famous New York statesman, in recognition of his services in settling the long standing dispute between Vermont and New York. Waitsfield was named in honor of Gen. Benjamin Wait, one of the grantees, who served in the French and Indian War and the American Revolution.

The settlement of the townships in the central and northern portions of the State involved practically the

same hardships and privations that attended the task of the pioneers in the older counties of Vermont, but the work of transforming the forest-clad valleys and hill-sides into fertile fields went on steadily and speedily.

The opportunities that the new lands in Vermont afforded the home seekers from the older States are set forth by an early historian, Rev. Samuel Williams. In writing concerning conditions that prevailed about the year 1800, he asserted that one hundred acres of land in a new town generally could be purchased for a sum of money which a young man with reasonable economy could save from his wages during one or two years of labor. The first crop of wheat might be expected to pay all the cost of clearing, fencing and sowing the land cultivated. At the same time, this cultivation increased the value of the property, making it eight or ten times greater than the original purchase price. An acre of land that cost, perhaps, a half day's labor, in one year could be put into condition to produce annually, thereafter, from fifteen to twenty-five bushels of wheat. In this manner, the pioneer farmer received double wages for his labor, in the value of his crop and the appreciation of his property. According to "Williams' History," the agricultural laborer could command seventy dollars a year for his work, this sum being equivalent to one hundred and twenty bushels of wheat. In the busy season of the year, the common wage for a day's labor was a half dollar, but in the winter, it was not more than half that sum. Other laborers were paid wages in the usual proportion to that of the farmhand. The writer estimated that from a yearly compensation



of seventy dollars, the laborer would need to take twenty dollars for the purchase of comfortable clothing.

The men and women who settled this region were accustomed to hard work and their hours of labor were long, but in a few years, they transformed a wilderness into a region of fertile farms. Early marriages and large families were the rule, and children assumed their share of the tasks in the household and on the farm.

In the fall of 1791, John Lincklaen, agent of the Holland Land Company, travelled through Pennsylvania, New York and Vermont, and in his journal, he set forth an account of conditions prevailing at that time in this State. Lands in Bennington sold at prices varying from fifteen to twenty-five dollars an acre. Twenty bushels of wheat from an acre was considered a good yield. Lands at Manchester sold at a rate as high as twenty dollars an acre. From twenty to twenty-five bushels of wheat to the acre was considered a good yield. At Burlington, the inhabitants began to live at ease. In that vicinity, wheat yielded from twenty to thirty, and sometimes as much as forty, bushels an acre; and Indian corn as high as seventy bushels an acre. The greater part of the trade of this region was with Canada and grain and cattle were exchanged for European goods. In the Connecticut valley, he found "superb orchards."

This traveller from Holland was a keen observer, and in alluding to the fact that here there were no great landholders, after the manner of the great landed proprietors of the South, he hit upon one of the characteristic features of Vermont and New England. He said: "The Legislature has always believed it was its

policy to grant only a small number of acres to any one person, for the greater preservation of equality and preventing too great individual influence. This seems to me one reason that they (the lands) are sold from ten to twenty dollars an acre, and it would not even be possible to buy a large quantity at that rate."

A "History of Vermont," written by Ira Allen, and published in 1798, contained, as an appendix, a letter addressed by the author to the Duke of Portland, in which there is an argument in favor of a ship canal from Lake Champlain to the St. Lawrence River. In the letter, Colonel Allen discussed the agricultural and industrial resources of Vermont. Among the products of the farms of the State, he mentioned winter wheat, winter rye, spring rye, barley, oats, Indian corn, peas, hemp, flax, red and white clover, timothy, beef, pork, butter and cheese. He added: "There is a garden annexed to every house, always well stored with pulse and roots for the supply of the table; parsnips, carrots, turnips, cabbage, potatoes, pumpkins, etc., grow in such abundance that we begin to fatten swine with them.

\* \* \* As soon as the acorns, beechnuts, etc., begin to fall, they (the swine) are driven to the woods in large herds to feed on them.

"Maple sugar forms a great article of domestic consumption."

Referring to domestic animals, he said: "The breed (of sheep) is good, but the crossing is not studied, as in England. They are remarkably prolific, the mutton sweet, and the wool generally fine and good; every farmer has a flock more or less. The breed of black

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cattle is daily improving, butter is good, and so is the cheese, but a few English farmers, from what I have seen, would, in a short time, bring about a surprising change for the better in these articles. \* \* \* Our vegetation is at least as luxuriant and nutritious as any county in England. As to the breed of horses, it is also improving in this State, from the laudable exertion of individuals."

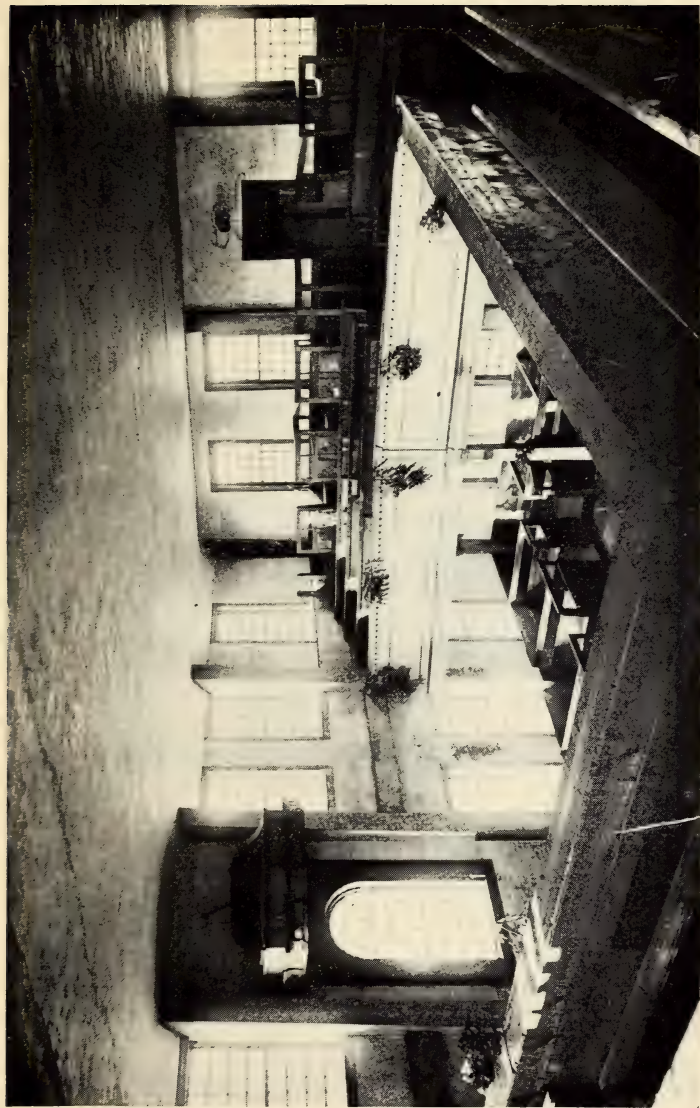
Rev. Samuel Williams, writing about this time, said of agricultural conditions: "In no part of the United States does the farmer meet with more success in raising sheep. The climate agrees well with the breed of sheep that is spread over the territory, and the richness of the pastures in new settlements, gives an extraordinary sweetness to the meat and richness to the fleece. It is not uncommon for a sheep of two or three years old to weigh one hundred and twenty pounds, and to afford three or four pounds of wool. And from the wool of their own raising the greater part of the farmers manufacture the woolens which are used in their families. In no place does flax succeed better than on the new lands. The common produce from one acre is from four to five hundred pounds. Every family raises a quantity of flax and carries on a small manufacture of linen. \* \* \*

"The manufacture of maple sugar is also an article of great importance to the State. Perhaps two-thirds of the families are engaged in this business in the spring, and they make more sugar than is used among the people. Considerable quantities are carried to the shopkeepers, which always find a ready sale and good pay.

The business is now carried on under the greatest disadvantages. Without proper conveniences, instruments, or works, solely by the exertions of private families, in the woods and without any other conveniences than one or two iron kettles, the largest of which will not hold more than four or five pailfuls. Under all these disadvantages, it is common for a family to make two or three hundred pounds of maple sugar in three or four weeks. The country abounds in a great number of the sugar maple trees. The largest of these trees are five and a half or six feet in diameter and will yield five gallons of sap in one day, and from twelve to fifteen pounds of sugar during the season. \* \* \* We cannot determine with much accuracy what quantity of this sugar is annually made in the State. In the town of Cavendish, in the spring of the year 1794, the quantity made by eighty-three families was fourteen thousand and eighty pounds. If the families in the other towns manufacture in the same proportion, there must be above one thousand tons annually made in Vermont."

The markets for Vermont produce were Montreal, Troy, Albany and New York, Portland, Boston, Hartford and New Haven. John Lincklaen, while visiting Burlington in 1791, learned that the greatest traffic of northwestern Vermont was with Canada. The province of Quebec sometimes was supplied with grain and often with cattle, European products being received in return. Timothy Dwight, travelling through Vermont in 1806, was informed that fat cattle were driven from this State to Boston and New York, and sometimes to Philadelphia. Horses were sold at New Haven and Hartford





Interior of Meeting House at Rockingham, begun in 1787, and the oldest Church now (1921) standing in Vermont



for the West Indies' market. The counties of Essex, Caledonia and Orange traded much with Portland, while the southern part of the Champlain valley found its markets in Troy, Albany and New York. Much of Vermont's produce at this early period, was transported in the winter by sleighs, when the roads were better than during any other season of the year.

Prof. James Dean of the University of Vermont, in an "Atlas of Vermont," published in 1808, said that from twelve thousand to fifteen thousand head of beef cattle were driven every year from this State to the Boston market. "Seybert's Statistical Annals" show that the principal exports from Vermont for the five years, 1800-'04 inclusive, were pot and pearl ashes, pork, beef, wheat flour, grain, butter, cheese, lumber and horses. Valuations and enumerations authorized by the act of July, 1798, showed in Vermont 4,918,722 acres of land, valued at \$15,165,484, and 5,437 dwellings appraised at \$1,558,389.36. The valuation of lands, lots and dwelling houses in 1798 amounted to \$16,723,873.38, and in 1813 to \$34,747,290.

John A. Graham, a Vermont lawyer, was sent to England by the Episcopal Church of the State as its agent, and while in London, published, in 1797, a series of letters, entitled "Descriptive Sketches of Vermont," which gives much information concerning conditions in the State during the period following immediately after its admission to the Union. He reported that orchards had been generally planted in Bennington county. The finest apples, pears, peaches, plums, cherries and quinces produced in the State were raised in Shaftsbury. The

inhabitants of this town were called rich farmers, most of whom had emigrated from Rhode Island.

There was a good road from Bennington to Albany. Many fine residences had been built in Bennington. Gov. Moses Robinson had "a superb brick house." Mr. Tichenor's house, built of wood, in some respects was the best in the county. The writer said: "His chimney pieces and hearths are of a beautiful clouded marble, as highly polished as any seen in London." As the owner of the mansion was active in preparing these mantels and hearths, it is evident that the use of Vermont marble for decorative purposes began at an early date.

Two "great roads" led north from Manchester, one through the eastern part of Dorset to Rutland, and the other through Pawlet and Fair Haven to Lake Champlain. The inhabitants of Dorset were seriously annoyed by the depredations of wolves, which often destroyed whole flocks of sheep in a night. Great quantities of honey were produced in this town, also many ducks, geese, turkeys and fowls.

Federal Square had been located in the center of Rutland, and contained five English acres. On the east side stood the new court house, in which sessions of the General Assembly were held alternately with sessions at Windsor. "Handsome and elegant" residences surrounded the square and water was brought to the village from the mountain in wooden pipes. Clarendon was said to contain less waste land than any other town in the State. Some of the Clarendon farms cut from two hundred to five hundred tons of hay in a single year.



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At Fair Haven were pine trees six feet in diameter. The good roads and fertile farms in Brattleboro and Westminster were considered worthy of special mention. The village of Newbury contained the most elegant church in the State and boasted of the only bell in a Vermont house of worship. Aqueducts supplied this village with water from the hills. Attention was called to the deep, rich soil of the Otter Creek valley in Rutland and Addison counties.

In 1791, Braintree voted to pay a bounty of sixpence on each apple tree that should be transplanted into an orchard, no bounty to be paid on less than twenty-five or more than one hundred trees.

Windsor was considered a beautiful location, with fine residences and "rising manufactures." During the last week of October, 1796, a bridge was completed between Windsor and Cornish, N. H.

A toll bridge across the Connecticut River at Bellows Falls was built by Col. Enoch Hale in 1784-85, being the first bridge on the Connecticut, from its source to its mouth. A canal at Bellows Falls, around the waterfall, was begun in 1792 and boats began passing in October, 1802. This was built by English capital and was one of six canals around waterfalls on the Connecticut River, the others being constructed at Enfield (now Windsor Locks), Conn., South Hadley Falls, Mass., Turners Falls, Mass., Hartland, Vt., and Wilder, Vt. A small paper mill was built at Bellows Falls in 1802.

As Vermont began to emerge from the earliest stages of the pioneer period, by a natural process of evolution,

manufacturing enterprises were established, few and small at first, but they increased steadily with the growth of population. The numerous water powers of the State, the difficulties of transportation and the enterprise of the people, combined to promote the manufacture of articles needed in the houses and on the farms. About 1785, Matthew Lyon established iron works at Fair Haven. In 1796, he was operating a furnace, two forges, a slitting mill for making nail rods, a paper mill, a sawmill, a grist mill, and a printing office, printing on paper which he made from basswood bark. He manufactured agricultural implements and asked the Legislature to lay a duty of two pence per pound on nails brought into the State. Soon after the close of the Revolution, Ira Allen and most of the former settlers returned to Winooski Falls, in the town of Colchester, and after building the upper dam, Allen erected two sawmills, a grist mill, two forges and a furnace, where bar iron, mill irons, forge hammers and anchors were made. Early newspaper reports show that in September, 1792, a furnace had been erected and put in blast at Pittsford, which was said to make the best of hollow ware of all kinds. Experiments were made in refining iron at a Tinmouth furnace, and in February, 1783, a report in the *Vermont Gazette* declared that the furnace, then in blast, was turning out work "equal to any furnace in the United States." All kinds of hollow ware, including potash kettles, were produced.

One of the first blast furnaces in Vermont was erected at Sheldon in 1798. It was particularly noted for the potash kettles produced, but stoves and hollow ware were

also made. In 1799, a forge was built at Swanton, and bog iron was dug in a nearby swamp. The manufacture of iron was begun in 1800, sleigh shoes, tire irons, plow shares and mill irons being manufactured. The price of bar iron at Swanton was seven dollars per hundred pounds (gross). A United States census report is authority for the statement that previous to the building of a paper mill at Troy, N. Y., in 1793, "much of the paper used at Albany, N. Y., and vicinity was obtained from a paper mill at Bennington, Vt., erected during the Revolution," and the paper was carried on horseback, through the forests.

About 1793, Capt. John Norton came from Sharon, Conn., to Bennington, where he established a pottery. A woolen mill was erected in Bennington before the American Revolution, a fulling mill was built before 1781, an underwear factory began operations in 1802, and a cotton factory was established there in 1811. A cotton mill, built at Montpelier in 1810, is said to have been one of the first fifty erected in the United States. During the early years of the Nineteenth century, Judge Elijah Paine built a broadcloth mill at Northfield, at a cost of twenty thousand dollars. In 1811, a glass factory was erected at Salisbury.

A stone quarry was opened in Isle La Motte soon after the close of the Revolutionary War, and a marble quarry began operations at Dorset in 1785. A marble quarry was opened in Middlebury in 1805 and the manufacture of marble on a considerable scale was begun in 1808. Marble was first sawed in South Dorset in 1818. The first marble mill at Swanton was opened in 1812,

and lime was manufactured there in considerable quantities before 1800. Copper was discovered at Strafford as early as 1793, and in 1812 a slate quarry was opened at Guilford.

Rafts of oak and pine timber were sent to Quebec in 1794, and in 1799, from Ira Allen's mill at Winooski Falls, and from Charlotte. For a considerable period, the lumber and timber trade with Canada was extensive and great pines suitable for masts and spars were exported.

In 1792, the site of Burlington was largely a forest. There were no wharves, and goods brought in sloops were landed in scows, with the exception of casks of liquor and molasses, which were floated ashore. The growth of commerce on Lake Champlain increased rapidly, and between the years 1790 and 1814, thirty ships were built.

Vergennes was organized as a city, July 1, 1794. Only two cities in New England, Hartford and New Haven, Conn., are older. During the non-intercourse period, preceding the War of 1812, Vergennes grew rapidly. About 1800, there were twenty bloomeries in the vicinity of Vergennes, all built with Boston capital. Among the industries established at the falls at the head of navigation on Otter Creek, were blast furnaces, a wire factory and forges, a rolling mill and a fulling mill. Many tons of shot were cast here during the second war with Great Britain.

In his "History of Vermont," Williams said: "Large quantities of iron ore are found in several of the towns on the west side of the Green Mountains. Tinmouth,



Rutland, Pittsford and Shoreham contain great quantities. The ore in these towns is of a reddish kind, mixed with yellow ochre. It melts easily and produces from one-seventh to one-fourth of iron. The iron is mostly of the cold shire kind, works easily and makes excellent nails. The principal part of the ore that has hitherto been used in the State, has been brought from a mountain on the west side of Lake Champlain, about four miles north of Crown Point." As early as 1792, forges had been erected as follows: In Bennington county, one; in Rutland county, fourteen; in Addison county, four; in Chittenden county, two. In addition, there were three furnaces in Rutland county and large quantities of bar iron were produced every year. "The manufacture of nails," said Williams, "is already become common and profitable, and every other branch of the iron manufacture must soon be so." Subsequent events did not justify Doctor Williams' prophecy. Small deposits of iron were worked in various parts of the State during the early years of Vermont's history, but with the opening of larger deposits in other States, the Vermont mills were abandoned as unprofitable.

Ira Allen had great faith in the future of the State which he had helped to establish, in its agriculture, its industry and its commerce. This is exemplified in a letter to the Duke of Portland, to which reference already has been made, in which he said: "You ask what manufactures would thrive best in Vermont? I am persuaded the difficulty would be to point out the manufactory that would not flourish in it." If Vermont had had more leaders with Ira Allen's faith and optimism

during the Nineteenth century, the emigration from this State would have been smaller, and the manufacturing development and the increase in population would have been larger.

While census figures and other government reports dealing with industrial conditions during the first few decades of our national history are very meagre, enough statistical information may be gleaned from ancient documents to give a suggestion of the growth of manufacturing enterprises in Vermont for twenty years following the admission of the State to the Union. Ratable property in Vermont, in 1791, amounted to \$1,082,-656.44; and in 1806, to \$2,738,532. Windsor county reported the highest valuation and Bennington ranked first in the list of towns.

The value of Vermont exports from 1800 to 1812, was as follows: 1800-01, \$57,267; 1801-02, \$31,479; 1802-03, \$117,440; 1803-04, \$191,725; 1804-05, \$169,402; 1805-06, \$193,775; 1806-07, \$204,285; 1807-08, \$108,772; 1808-09, \$175,782; 1809-10, \$432,631; 1810-11, \$571,104; 1811-12, \$138,947. These exports are subdivided into domestic and foreign produce. During most of the fiscal years mentioned, the domestic largely exceeded the foreign produce exported, but in 1805-06, conditions were reversed. Valuations, and an investigation in pursuance of the act of July, 1798, showed that there were in Vermont 4,918,722 acres worth \$15,165,484.02, and 5,437 dwellings, worth \$1,558,389.36. The aggregate valuation of lands, lots and houses, in 1798, was \$16,773,873.38; in 1813, \$32,747,290.

The total value of manufactures in the State in 1810, the first year in which manufacturing statistics were taken, was \$5,055,414. The census reports showed that there were in Vermont 166 fulling mills, which dressed 942,960 yards of cloth; and 139 carding machines, which carded 798,500 pounds of wool. The manufacture of wool in families and otherwise amounted to \$1,385,152. The amount of cotton cloth produced was 131,326 yards, valued at \$39,937; and linen cloth, 1,859,931 yards, valued at \$650,976. In addition to these amounts, 191,426 yards of mixed cloth were made, valued at \$72,471. There were 14,801 looms; 67,756 spinning wheels; and 23 jennies, equal to 804 spindles. Hats were made, estimated at \$193,520; and saddles and harnesses, valued at \$127,840.

There were in the State, in 1810, eight blast furnaces, two air furnaces, and twenty-six forges, the output of which amounted to \$235,640. To this should be added sixty-five trip hammers, producing an output valued at \$78,574, and sixty-seven cut nail factories with a product amounting to \$34,560, giving a total valuation of the production of Vermont's iron industries, amounting to \$348,774. There were eleven paper mills, producing 23,350 reams, valued at \$70,050; twenty-six oil mills, producing 50,637 gallons, valued at \$50,637; one hundred and twenty-five distilleries, producing 173,285 gallons of liquor, valued at \$129,964; two hundred and five tanneries, producing 773 tons of leather, valued at \$386,500; cabinet work valued at \$118,450; potash, 1,500 tons, valued at \$150,000; maple sugar, 1,200,000 pounds, valued at \$120,000.

As a result of the Embargo Act and the War of 1812, a large number of small mills and factories sprang up all over the State. The figures given indicate that there was at least one spinning wheel for every family, and much cloth used for garments and other household purposes was the product of the spinning and weaving done by Vermont housewives.

During the last years of the Eighteenth century, an era of road building began. Much of the State was newly settled, and in many townships the roads were little more than trails. Some of the main highways were called county or market roads, but many of them were known as turnpikes. These were private or corporate investments and toll was collected. Certain of the turnpike charters provided that no toll should be collected from persons going to or returning from public worship, or to or from any grist mill or sawmill, when engaged in military duty, "or in the ordinary domestic duty of family concerns." These exemptions would seem to have opened the toll gates rather widely, but as the turnpike investments are said to have been profitable, as a rule, it is probable that the majority of charters were not as liberal as those mentioned.

The first Vermont turnpike corporation was chartered to build a road from the east line of Bennington to the east bank of the Deerfield River in Wilmington. Among the incorporators were Samuel Safford, Luke Knowlton and David Robinson. The Windham Turnpike Company, incorporated in 1799 for the purpose of building a road from Bennington to Brattleboro, was permitted to erect five toll gates. One was to be located



near the east line of Bennington, one in Readsboro, one near the Deerfield River in Wilmington, one in the west part of Marlboro, and one in the west part of Brattleboro. Fees for four-wheeled vehicles, drawn by two horses, were fifty cents at the Brattleboro and Marlboro gates and sixty-seven cents at each of the other gates. Other charges were in proportion. Turnpikes were in use approximately forty years. Toward the end of the period, the payment of tolls became unpopular, being considered by many persons a form of monopoly, and there are traditions of some disturbances, including the destruction of toll gates. Some of the towns purchased the turnpike rights and made these roads a part of the general highway system.

The building of turnpikes made possible the establishment of stage coach lines. In 1801, a stage coach made weekly trips up and down the Connecticut valley, and another made the trip to and from Boston each week. In 1807, three stages each week passed through Bellows Falls between Boston and Hanover, N. H. In 1814, a regular four-horse coach was put on the route between Burlington and Boston.

Post riders carried mail before stage lines were established, and postal rates were high. In 1800, the postage on a Portsmouth, N. H., newspaper, delivered for four months to a subscriber in St. Johnsbury, was sixty-three cents. When the St. Johnsbury post-office was opened in 1803, the postage on a letter to New York was twenty-five cents, and from eight to ten days were required for the letter to reach its destination. A person going to Boston or to any other distant point often carried a

package of letters to be delivered along the route; and Boston merchants were accustomed to send letters in care of merchants, which were distributed over store counters. Persons in the newer settlements sometimes found it less expensive to send a man to one of the larger villages most conveniently reached, to carry letters to be forwarded, and return with mail, than to pay regular postal rates.

Political conditions in Vermont were not materially changed when the State entered the Union. Party lines were not immediately drawn either in State or National affairs. Gov. Thomas Chittenden and Lieut. Gov. Peter Olcott were reelected in 1792. Nathaniel Niles was returned to Congress in the Eastern district, receiving a majority over fifteen other candidates. There was no election in the Western district. Israel Smith led, Matthew Lyon being second, Isaac Tichenor, third, and Samuel Hitchcock, fourth. A special election was held on March 4, which resulted as follows: Smith, 1,928; Lyon, 1,630; Tichenor, 161; scattering, 22. There was much controversy over the result of the election, charges and counter charges relating to alleged irregularities being made. Colonel Lyon was particularly vituperative in his letters to the newspapers.

The Presidential Electors chosen were Samuel Hitchcock, Lot Hall, Lemuel Chipman and Paul Brigham, and their votes were cast for George Washington and John Adams. The legislative session of 1792 was held at Rutland. Gideon Olin of Shaftsbury, who had been Speaker since 1788, was chosen for another term. The business of the session was largely of a routine nature.

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An act passed at this time authorized the appointment of a commission to ascertain and establish the boundary line between Vermont and New Hampshire.

The second Council of Censors was elected in 1792. Its members were Samuel Knight of Brattleboro, Daniel Buck of Norwich, Orlando Bridgman of Vernon, Benjamin Burt of Westminster, Elijah Dewey of Bennington, Jonas Galusha of Shaftsbury, Anthony Haswell of Bennington, Beriah Loomis of Thetford, Samuel Mattocks of Tinmouth, Elijah Paine of Williamstown, Isaac Tichenor of Bennington, John White of Georgia, and Roswell Hopkins of Vergennes. Samuel Knight was elected president of the council and Roswell Hopkins was chosen its secretary.

The changes proposed included a Legislature composed of a Senate and House of Representatives. During the first septenary, the Senate should consist of three members each from Rutland, Windham and Windsor counties; two each from Bennington and Orange counties; and one each from Addison and Chittenden counties. After the first septenary, each county might elect one Senator for every eight thousand souls it contained. The House of Representatives should contain one member from each town containing forty families, and towns containing fewer families might combine to elect a member. An Advisory Council of four members was to be chosen by the Legislature to advise with the Governor in regard to granting pardons, remitting fines, laying embargoes, revising bills, etc. The veto power was granted to the Governor and Council, but a measure might be passed over the veto by a majority vote.

In its address to the people, the Council urged that a legislative body consisting of two houses would use greater deliberation than was exercised under the existing system, and errors would be more likely to be corrected. No proceedings deserving censure and no unconstitutional legislation were found. The public funds were said to have been expended with economy. A Constitutional Convention to consider proposed changes was held at Windsor, July 4-9, 1793. All of the proposals of amendment were rejected, although Pennsylvania, which had provided a model for Vermont's Constitution, had abandoned its system of a legislative body consisting of only one house.

Under an act of Congress providing for the recruiting of three additional regiments for the protection of the frontiers, President Washington assigned the first company of the third regiment to Vermont. Its officers were: Captain, William Eaton; Lieutenant, James Underhill; Ensign, Charles Hyde. Ensign Hyde opened a recruiting office at Bennington about May 1, 1792, and later Captain Eaton joined him with some recruits from Windsor. The company, numbering seventy men, set out from Bennington on August 31 for "the Western country." Before the company had reached its destination, Ensign Hyde received from the War Department the appointment of Judge Advocate General of the army.

Writing from Lancaster, Pa., to a friend, Captain Eaton said: "I have the reputation of marching the best company of recruits that have passed through the country." The Vermonters reached General Wayne's headquarters at Pittsburg, October 22, 1792. The year



1793 was devoted to organizing and drilling the men for Indian warfare. Two Vermonters died of fever. Negotiations with the Indians having failed, General Wayne advanced eighty miles north of Cincinnati and erected a fort on the site of Greenville, Ohio.

A letter written January 16, 1794, to the editor of the *Vermont Gazette* says that a few days earlier a Sergeant, Corporal and twelve men of Captain Eaton's company, under the direction of a man named Collins, advanced about thirty-five miles into the Indian country, where a party of the enemy was surprised and routed. The Indians fought "with a truly savage fury," killing Samuel Wilder, William Sweetman and Joel DeBell. One man was slightly wounded. The Vermont company was engaged in various scouting and skirmishing parties, assisted in burying the bones of the men killed in General St. Clair's defeat and aided in the construction of Fort Recovery. This company participated in the decisive battle near Fort Miami, August 20, 1794, which compelled the Indians to sue for peace. Evidently, the Vermonters were in the thickest of the fight, as five out of eleven privates engaged lost their lives. The men killed were Nehemiah Bracy, Peter Gordon, John Louson, John Murray and Levi P. Senter. Later, Captain Eaton was granted a leave of absence and Lieutenant Underhill succeeded to the command of the company.

Later William Eaton became a national figure. He was a native of Connecticut, who attended Dartmouth College. While at Hanover, N. H., he left college temporarily and taught several terms of school in Windsor.

After his graduation, he continued to teach at Windsor and became a resident of the State. In the fall of 1791, he was chosen Clerk of the Vermont House of Representatives. In March, 1792, through the influence of Senator Stephen R. Bradley, he was appointed a Captain in the army. In 1797, he was appointed Consul to the city and kingdom of Tunis. In 1804, President Jefferson made him Naval Agent to the Barbary Powers. Between March 8 and April 25, 1805, he marched more than four hundred miles through the desert of Barca, captured the city of Derne, and compelled Tripoli, with which the United States had been at war, to negotiate a treaty of peace.

An act of Congress passed in May, 1794, authorized the raising of a militia force of eighty thousand men, Vermont's quota being 2,139. Governor Chittenden issued orders to Maj. Gens. Samuel Fletcher, Isaac Tichenor, Ira Allen and Paul Brigham, to raise three regiments, each of which should contain seven hundred and thirteen men. This force was raised but the men never were called into active service.

In February, 1793, Prince Edward of the British royal family, afterward Duke of Kent, and father of Queen Victoria, passed through Vermont on his way from Canada to Boston. He had served in the British army as commander of a regiment stationed at Quebec. The party included two bodyguards, two aides and a cook, and travelled in thirteen carryalls and sleighs. The route was through northern New York, across the frozen surface of Lake Champlain to Grand Isle, where the night was spent. The next day's journey

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was to Burlington. The new house owned by Phineas Loomis was the only residence in Burlington which would accommodate the visitors. The Prince dismissed his teamsters here, hiring farmers along the route to take him to Boston.

In the State election of 1793, there was active opposition to Governor Chittenden, and he was reelected by only 213 majority. The vote was as follows: Thomas Chittenden, 3,184; Isaac Tichenor, 2,712; Noah Smith, 174; scattering, 85. Tichenor carried Chittenden, Orange, Windham and Windsor counties. Governor Chittenden led in Addison, Bennington and Rutland counties. Rutland was the most populous county in the State at that time and the Governor carried it by a large majority. Peter Olcott again was elected Lieutenant Governor. The Legislature met at Windsor and elected as Speaker, Daniel Buck of Norwich, a Federalist. The legislation enacted included acts to prevent counterfeiting and to encourage the destruction of wolves and panthers. Every town was directed to be constantly supplied with thirty-two pounds of good gunpowder, one hundred weight of lead or musket balls and one hundred and twenty-eight flints for every sixty-four soldiers.

There were frequent petitions for the authorization of lotteries for a variety of purposes, and these were referred to a special lottery committee. Between the years 1783 and 1804, twenty-four lotteries were granted. Of these, nine were for repairing or building roads, two to aid individuals in erecting breweries, and one to aid in building the Rutland county court house. Lotteries

occasionally were granted to aid a person who had suffered loss from fire or other causes.

During the session, papers were received from Acting Governor Samuel Adams of Massachusetts, protesting against a decision of the United States Supreme Court by the terms of which a State might be sued in that court by a citizen of another State. This privilege was claimed to be unnecessary and inexpedient in its exercise, dangerous to the peace, safety and independence of the several States and repugnant to the first principles of a federal government. No action was taken by the Legislature concerning the matter.

Although the British continued to occupy a post at Dutchman's Point, in the town of North Hero, there had been no interference with the inhabitants of Vermont, but in 1794, matters assumed a more serious aspect. In February of that year, Lord Dorchester, Governor General of Canada, had declared in a public speech that he would not be surprised if there should be war with the United States before the end of the year. John Jay was sent as Envoy Extraordinary to Great Britain and Congress authorized the President to detach eighty thousand troops from the militia for service in any emergency. Governor Chittenden ordered the detachment of three regiments of militia, numbering 2,129 men, to be held in readiness as minute men. On May 30, 1794, Gen. Ira Allen ordered the militia of Grand Isle county to organize as a regiment. Although this force surrounded the British garrison on North Hero Island, there was no collision.



It was reported that the British forts were being put in a state of defence. The *Vermont Gazette* in its issue of May 27, 1794, reported that the British had just completed a brig mounting twelve guns, stationed at Point-au-Fer, and that a large row galley was being built at St. Johns. Reports of Congressional proceedings in May, 1794, show that the British Minister, George Hammond, in a communication to Secretary of State Edmund Randolph, made a complaint concerning the conduct of certain Vermonters "to those inhabitants in their neighborhood under the protection of the British," and intimating that the establishment of a post on American territory by the British authorities might be necessary "to repress such conduct and preserve the *status quo* during the pendency of negotiations." Later it was admitted that these encroachments were within United States territory. Late in the autumn of 1794, the *Vermont Gazette* published the fact that the British post at Point-au-Fer was garrisoned by a Captain's company, and that the post at Dutchman's Point was occupied by a Sergeant's guard, which was under the authority of the commanding officer at Point-au-Fer. A British armed schooner, the *Maria*, for some time had been stationed in Windmill Bay, between Alburg and Point-au-Fer, and had supervised all boats passing through northern waters. Congress had made Alburg a port of entry when Vermont was admitted to the Union. This town, known as Caldwell's Upper Manor, had been granted as the town of Alburg to Ira Allen in 1781, but a town government was not organized until June, 1792. At this time, it contained a population of about five hun-

dred. For some time it had been without any organized government. It had become a rendezvous for "outlaws and fugitives from justice," and its people were solicitous for the protection of the laws of Vermont and the United States. Part of the settlers of Alburg held their lands by virtue of a title from an old French seignior, and hoped to secure a confirmation of these titles from Vermont.

Enos Wood, a Chittenden county Deputy Sheriff, on June 8, 1792, had occasion to serve a writ in Alburg and place an attachment upon some cattle. While driving these cattle away, the officer and his assistants were overtaken by a party of armed British soldiers led by Captain Dechambault, commandant of the post at Point-au-Fer, who made the Sheriff's party prisoners, and took possession of the cattle under threat of death if opposition were offered. The Americans were marched to Point-au-Fer, and Wood and two assistants were taken to St. Johns, under guard, where they were confined in the guardhouse. Benjamin Marvin, an Alburg magistrate, was arrested on June 12, 1792, by an armed British force led by one Patrick Conroy and taken before Captain Dechambault, who threatened to send Marvin to Quebec. Apparently his offence was the performance of his duties as a Vermont official. The house of Constable Samuel Mott was surrounded by a British detachment. Marvin and Mott were ordered to leave town within two months. The former was offered a parole, which he refused. He did accept a conditional parole, which gave him his liberty if he was not called for with-

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in twelve days. No such call was made and he was not molested again.

Joshua Stanton of Colchester was sent to Alburg by Governor Chittenden to secure evidence for use in the case, and a week later, on June 16, the Governor wrote a vigorous note to Governor Clarke of the Province of Quebec, which he sent by Levi Allen. In it he used no diplomatic rhetoric, but in plain, blunt English, said: "A British Captain with an armed force leaving his post and penetrating eight or nine miles within the acknowledged jurisdiction of Vermont, and there imprisoning an executive officer of this government in the peaceable execution of his office, and by force of arms rescuing and withholding from him property taken into custody by a civil process for satisfying a just demand of debt; conveying the officer and two of his assistants under guard at (to) St. Johns and there confining them in a common guardhouse; forcibly taking and detaining from him the precept he had been executing, imprisoning a Justice of the Peace under this government while he was quiet in his own house and carrying him to a British garrison and there paroling him as in a time of open war; and all this at a time of perfect tranquility between the two governments, has an appearance both novel and extraordinary—but as novel and extraordinary as this may be, these are transactions that have taken place by the command of Dechambault, Captain at Point-au-Fair (Fer) within a few days past.—I feel myself therefore obliged immediately to request from Your Excellency an explanation of this unprecedented conduct and unprovoked insult upon the government of Vermont, or at

least to know whether it has been done with Your Excellency's knowledge, direction, order or approbation."

On the same day, Governor Chittenden wrote President Washington enclosing affidavits relating to the Alburg affair and a copy of his letter to Governor Clarke. In the reply of the British Governor, he declared that the subject mentioned led to questions beyond the sphere of his trust, and not being accompanied by proofs, he could only order an investigation of a subject "of such importance to the peace of the border." He intimated that future discussion of the case might be conducted by national rather than provincial officials, and suggested to the Vermont executive "that a similar deference will be held by yourself towards the power to which the State you govern is reported to be subordinate." This thrust was not altogether undeserved. Vermont was now a part of the American Nation and the Alburg episode was an international matter. Governor Chittenden had conducted the affairs of the Republic of Vermont for so long that it is not strange that in the heat of his righteous indignation he forgot that Vermont as a State must carry on its relations with foreign powers through the State Department of the National Government. In a subsequent letter to the President, written July 16, Governor Chittenden attempted to justify his intervention.

In a communication to Governor Chittenden, written July 9, Thomas Jefferson, then Secretary of State, enclosed certain documents from the British Minister, and asked information concerning the facts therein stated, adding this word of caution: "While I am authorized



to assure you that the Government is proceeding sincerely and steadily to obtain by the way of negotiation, a relinquishment of our territory held by the British, I am at the same time to press that no measures be permitted in your State, which, by changing the present state of things in districts where the British have hitherto exercised jurisdiction, might disturb the peaceable and friendly discussion now in hand, and retard, if not defeat, an ultimate arrangement." Three days later, Jefferson addressed another letter to Governor Chittenden in which he said: "I must renew my entreaties to Your Excellency that no innovation in the state of things may be attempted for the present. It is but lately that an opportunity has been afforded of pressing on Great Britain our rights in the quarter of the posts, and it would be truly unfortunate if any premature measures on the part of your State should furnish a pretext for suspending the negotiations on this subject. I rely, therefore, that you will see the interest even of your own State in leaving to the General Government the measures for recovering its rights, and the rather as the events to which they might lead are interesting to every State in the highest degree."

When the Legislature met in October, 1792, the papers in the Alburg case were submitted to a committee, which reported through its chairman, Ebenezer Marvin, that Governor Chittenden, in his communications with Governor Clarke and President Washington, had conducted himself "with that degree of spirit and propriety which ought to mark the conduct of the chief magistrate of a free and independent State." The report continued:

"It further appears to us that the letters written by Mr. Jefferson to His Excellency, the Governor of this State, must have been founded on a mistaking of the facts, which must have been received from Canada." The committee recommended that affidavits be secured and sent to the President to prove that Alburg was not occupied by British troops nor under their protection, in order to convince him "that the government of Vermont have not wantonly attempted to disturb the peace of the Union, or to interrupt any negotiation between the United States and any other power." This report was accepted by the General Assembly.

The British Minister, George Hammond, on March 10, 1794, called the attention of the Secretary of State to a communication from Lord Dorchester in which complaint was made concerning alleged outrages committed by Vermonters. Edmund Randolph, who had succeeded Jefferson as Secretary of State, having called for explanations, Mr. Hammond in his reply, dated May 22, referred to "the unrepressed and continued aggression of the State of Vermont," asserting that encroachments had never been repressed and that "recent infringements in that quarter, and on the territory in its vicinity, have been since committed."

Governor Chittenden informed Secretary Randolph in July, 1794, that "no just cause of complaint hath come to my knowledge of any abuses done or committed by any citizens of this or the United States to British subjects as such: or of any infringements being made on garrison territories or jurisdictions, which British subjects have ever made any serious pretensions to in

this quarter." The only instance cited which could have afforded any ground for complaint was the arrest in Sheldon of four men, said to have been British subjects, who attacked a resident of the town and were fined for breach of the peace. The threat of war did not materialize at this time and in the treaty negotiated by John Jay, arrangements were made for evacuation of the British posts held in the United States, including the blockhouse on the island of North Hero, on or before June 11, 1796.

Lieut. Gov. Peter Olcott issued a statement in August, 1794, announcing that owing to the infirmities of age, he would not be a candidate for reelection. He had held the office since 1790, had served as member of the Council in 1778-79, and again from 1781 to 1790. He had also been a Judge of the Supreme Court and was a military officer during the War for Independence. He died at his home in Norwich in 1808. The choice of State officers in 1794 was closely contested, Governor Chittenden being reelected by only 191 majority. The vote was as follows: Chittenden, 2,623; Tichenor, 2,000; scattering, 432. Tichenor carried Orange and Windham counties. There being no choice for Lieutenant Governor, the Legislature elected Jonathan Hunt of Vernon.

There was no election for Representative in Congress in the Western district. Matthew Lyon led with 1,079 votes. The remainder of the ballots cast were distributed as follows: Israel Smith, 852; Isaac Tichenor, 256; Gideon Olin, 224; scattering, 177. At the special election that followed, Israel Smith of Rutland was re-

elected by the slender majority of 21, the vote as reported being: Smith, 1,804; Lyon, 1,783. Smith carried Addison, Bennington and Chittenden counties, and Lyon had a large majority in the populous county of Rutland. Lyon contested the election and asked Congress to unseat his opponent. Congress was slow to act in the case, a habit not entirely forgotten in modern times, and it was not until early in 1796 that the matter was considered. A lengthy debate, beginning January 17, brought into the discussion several eminent men, including James Madison and Albert Gallatin. The Committee on Elections had reported that Mr. Smith was not entitled to hold the seat, on the ground that two towns, Hancock and Kingston (Granville) had not been duly notified of the second election, and these towns contained a sufficient number of voters to make possible a different result. Mr. Gallatin and others opposed the report and it was rejected. By a vote of 41 to 28, Mr. Smith was declared entitled to his seat.

In the Eastern district, Nathaniel Niles was defeated by Daniel Buck of Norwich, a Federalist, the vote being 1,151 for Buck and 803 for Niles. The winning candidate carried Windham and Windsor counties, while his opponent carried Orange county. In 1793, Mr. Niles was elected a trustee of Dartmouth College and between himself and President Wheelock, a bitter controversy arose. It has been said that "Niles continually acquired superior influence over his fellow trustees, and thereafter no friend of President Wheelock was elected to the board." President Jefferson once said of Niles that he was "the ablest man I ever knew," but Jefferson did not



always weigh carefully his words of commendation. If not the ablest man of his acquaintance, he was certainly an unusually talented and versatile man. Daniel Buck was one of the early settlers of the State, and his profession was that of a lawyer. He was a veteran of the Revolutionary War who had lost an arm in the service. In the Convention which ratified the United States Constitution, thus making possible the admission of Vermont to the Union, Mr. Buck, who was a member, was probably more active than any other delegate in opposing ratification. He represented Norwich in the Legislature in 1793-94, and during both years, served as Speaker. His service in Congress was limited to one term, and later he was elected again to the Vermont Legislature. Toward the end of his life, he removed to Chelsea, where he died in 1817.

Stephen R. Bradley, having drawn the short term for United States Senator, when Vermont was admitted to the Federal Union, it became necessary to elect a successor in 1794, and Elijah Paine was chosen to succeed him. It is intimated that Senator Bradley was defeated for reelection because he was not always a strict party man. His independence of party was to be shown more conspicuously at a later period in his distinguished career. Elijah Paine was born at Brooklyn, Conn., January 2, 1757. During his preparation for college, he abandoned his studies to take part in the Revolutionary War. He was graduated from Harvard College in 1781, studied law for three years, and removed to Vermont in 1784. He purchased a farm at Windsor, but during June of the same year, he began the clearing of

a large farm in Williamstown, which, thereafter was his home. For many years he was one of the leading citizens of central Vermont. Apparently, he was a man of large wealth for that period. At one time he is said to have owned fifteen thousand Merino sheep and many valuable horses, cattle and swine. He established the first sawmill and the first grist mill in that part of the State. He erected a mill for the manufacture of broad-cloth which later employed nearly two hundred men, and he constructed a turnpike from Brookfield to Montpelier at a cost of ten thousand dollars, which he presented to the State. He represented Williamstown in the General Assembly from 1787 to 1791; was one of the commissioners appointed to settle the controversy with New York, 1789-90; was a delegate to and secretary of the Constitutional Convention of 1786; was a member of the Council of Censors in 1792 and a Judge of the Supreme Court from 1791 to 1793. He was interested in establishing a University and received the degree of Doctor of Laws from Harvard College and the University of Vermont. He married Sarah Porter of Plymouth, N. H., and their children numbered four sons and four daughters. Three of the sons became eminent men, and one, Charles, was a Governor of Vermont.

The legislative session of 1794 was held at Rutland and Daniel Buck, Representative-elect to Congress, was reelected Speaker. During this session, the glebe land act was amended so that it would apply to the support of religious worship and not to the Church of England exclusively. The State was authorized to divide among the public schools of the various towns, the revenue from

the lease lands granted by the British Government to the Society for the Propagation of the Gospel in Foreign Parts. At this session, the Eleventh Amendment to the Federal Constitution was ratified, providing that States should not be sued by a citizen of another State or country.

Thomas Chittenden and Jonathan Hunt, in 1795, were reelected, respectively, Governor and Lieutenant Governor. The legislative session was held at Windsor and Lewis R. Morris of Springfield was elected Speaker. The session laws included acts establishing the office of State's Attorney in the various counties; empowering school districts to raise money and build school houses; authorizing the use of the dollar and its parts as the money of account after December 1, 1796; incorporating a company for building a bridge over the Connecticut River, and cutting canals and locking the falls for the transportation of "goods, wares and merchandise"; empowering the laying out of a post road from the Massachusetts line at Hinsdale (Vernon) or Guilford to the north line of Newbury. John A. Graham, his heirs and assigns, were given the exclusive right of smelting and refining "all gold, silver, brass, lead and copper ores" discovered within the State for thirty-five years from January 1, 1796, the same not to affect mines already opened, or to prevent selling or conveying such ore out of the State for smelting or refining. One-twentieth of the net proceeds were to be paid to the State. The attitude of the legislative department toward the courts is shown in acts nullifying the pro-

ceedings of the administrator of an estate and an order of the Judge of Probate.

The attitude of American citizens toward France and England during the closing years of the Eighteenth century constituted one of the most important features of the political life of that period. The Republicans (later known as Democrats), following their great leader, Thomas Jefferson, were ardent partisans of France. The Federalists, including many of the Protestant clergy and conservative business men, were horrified at the excesses of the French Revolution and the radicalism of its leaders. Without being open partisans of Great Britain, they favored British rather than French methods. The newspapers of the period furnish much information concerning Vermont's attitude toward France. Democratic societies were organized in several counties which were admirers of French ideas. A celebration was held at Vergennes on February 4, 1793, "on the success of our brethren, the citizens of France." The attitude of American citizens toward France and French principles, and the hostility to, or friendship for, the treaty negotiated with Great Britain by John Jay, were important elements in one of the bitterest controversies in the political history of the United States. Generally speaking, public sentiment in Vermont, like that of other States, was decidedly hostile to the Jay Treaty. Senator Moses Robinson of Vermont was one of ten Senators who voted against its ratification. Senator Elijah Paine voted for the measure and for this act was attacked in the newspapers, both in prose





Monument and Statue Erected over the Grave of Ethan Allen  
at Burlington



and verse. It was reported at the time that John Jay was burned in effigy in Rutland county.

The celebration of the anniversary of the Battle of Bennington, held at Bennington in 1795, took the form of a political demonstration. A procession was formed, led by three aged veterans of the Revolutionary War, carrying the United States flag, the tri-color of France and a liberty cap. Gen. Samuel Safford presided at the after-dinner exercises. Toasts were drunk, expressing hostility to the Jay Treaty and friendship for France. An indication of the spirit of the times is shown in the newspaper account of this meeting, which mentions "Citizen" Moses Robinson among those present. The application of this title, when its associations with the French Revolution are considered, to this solid and substantial man of affairs, a conservative statesman, and a pious deacon of the local church, seems particularly incongruous.

At a town meeting held in Bennington, August 29, 1795, the Jay Treaty was unanimously condemned. "Citizens" Samuel Safford, Jonathan Robinson, Anthony Haswell, David Fay and Joseph Safford were appointed a committee to propose resolutions, and adjournment was taken to September 1. At that time, a call was issued for a county convention to be held at the house of David Galusha in Shaftsbury to consider the Jay Treaty and to instruct the member of Congress from the Western district. This convention was held on September 30. Delegates were present from Bennington, Dorset, Manchester, Pownal, Rupert, Shaftsbury, Stamford and Sunderland. Timothy Brownson pre-

sided, and Moses Robinson and Jonas Galusha were among the members of the convention. The resolutions adopted declared that the negotiation by President Washington of a treaty with the King of Great Britain without the previous advice of the Senate was contrary to the true intent and meaning of the Federal Constitution. The treaty was denounced as "injurious to the interest and derogatory to the honor of the United States," and the assertion was made that it was unconstitutional. A town meeting held in Shaftsbury, by a vote of 224 to 0, declared "that if said treaty is confirmed and ratified it will be derogatory to the honor and dignity of the United States and very detrimental to the interest thereof."

On May 6, 1796, a meeting of citizens held at Windsor unanimously resolved that it was expedient to petition Congress to carry the Jay Treaty into full effect. A respectful address to President Washington was unanimously voted, approving "his wise, uniform and independent conduct in administration, particularly in denying the papers relative to the British Treaty to the call of the House." At this time, great bitterness characterized newspaper discussion of public affairs, and attacks upon President Washington were reprinted in Anti-Federalist journals.

When Edward Livingston of New York offered his famous resolution calling upon the President for the papers relative to the Jay Treaty, Congressman Buck of Vermont opposed the demand, in what appears to have been one of the strongest speeches made in defence of President Washington's policy. The speech attracted



the attention of Albert Gallatin and other supporters of the measure. Both Mr. Buck and his colleague, Israel Smith, voted against the resolution. The former was attacked in the Republican press and allusions were made to his opposition to ratification of the Constitution of the United States. On his way home, Congressman Buck was met at Hanover, N. H., by a delegation of the citizens of that town, who presented an address approving his course in Congress and expressing confidence in President Washington. He was escorted to the Connecticut River by a uniformed company, including members of the Dartmouth College faculty and prominent citizens. At Norwich, Vt., he was met by friends and neighbors, who welcomed him home and in his honor, a feast was served in a public hall.

Moved by Washington's Farewell Address, the General Assembly of Vermont, on October 25, 1796, adopted resolutions, the Council concurring two days later, which expressed an appreciation of "the justice, magnanimity and moderation" which had marked his administration. The address included the following tribute: "Convinced of our true interest, you have successfully opposed faction, and maintained that neutrality so necessary to our national honor and peace—accept, sir, the only acknowledgment in our power to make, or yours to receive, the gratitude of a free people.

"Ardently as we wish your continuance in public office, yet when we reflect on the years of anxiety you have spent in your country's services, we must reluctantly acquiesce in your wishes, and consent that you should pass the evening of your days in reviewing a

well-spent life and looking forward to scenes beyond the grave, where our prayers shall ascend for a complete reward for all your services, in a happy immortality; and we receive your address to your fellow citizens as expressive of the highest zeal for their prosperity and containing the best advice to ensure its continuance.

"We cannot, sir, close the address (probably the last public communication we may have occasion to make to you) without assuring you of our affection and respect. May the shade of private life be as grateful to you as the splendor of your public life has been useful to your country.

"We shall recollect you with filial affection; your advice as an inestimable legacy, and shall pride ourselves in teaching our children the importance of that advice, and a humble imitation of your example."

This address, drafted by Speaker Lewis R. Morris, Amos Marsh and Daniel Farrand, was unanimously adopted, and on December 12 was presented to the President by Senators Elijah Paine and Isaac Tichenor.

In President Washington's reply, received on the same day by the Vermont Senators, he said in part: "With particular pleasure I receive this unanimous address of the Council and General Assembly of the State of Vermont. Although but lately admitted into the Union, yet the importance of your State, its love of liberty and its energy, were manifested in the earliest periods of the Revolution which established our independence. Unconnected in name only, but in reality united with the Confederate States, these felt and acknowledged

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the benefits of your cooperation. Their mutual safety and advantage duly appreciated, will never permit this union to be dissolved."

When relations with France made war seem unavoidable, the French partisans in the State, as in other States, earnestly protested against hostilities. At a town meeting held at Shaftsbury, April 28, 1798, a petition was adopted, urging Congress not to grant merchants authority to arm their vessels; and expressing the hope "that Congress will take such other measures as they in their wisdom think best, consistent with the honor and interest of the United States, to prevent a war with the Republic of France, which of all calamities we most dread." This petition was signed by Jonas Galusha, Gideon Olin and others.

A different note was sounded at a meeting of the Democrats of Underhill, as they styled themselves, held on May 31, 1798. Resentment was expressed at the treatment accorded the American envoys in France. If forced to engage in war, the terms Democrat and Aristocrat should be forgotten and union should become the countersign. It was declared that in that event "Americans will combat their old friends with regret, but without fear." The bitter newspaper controversy waged over the Jay Treaty was continued over American relations with France.

In 1796, Governor Chittenden was reelected, but there was no choice for Lieutenant Governor, and Paul Brigham of Norwich was elected by the Legislature. No candidate received a majority for member of Congress in the Western district. Matthew Lyon led, with

1,783 votes. Israel Smith received 967, and the scattering votes numbered 1,534. Among the candidates receiving from fifty to three hundred votes each were Samuel Williams, Nathaniel Chipman, Enoch Woodbridge, Isaac Tichenor, Gideon Olin, Jonas Galusha, Daniel Chipman and Samuel Hitchcock. There being no choice, a second election was held on the first Tuesday of December, and again there was no clear majority. A third election, held March 9, 1797, resulted in the election of Lyon. After repeated attempts his ambition was gratified.

In the Eastern district, Lewis R. Morris of Springfield defeated Daniel Buck by a small majority. Lewis R. Morris was born in New York, November 2, 1760, being the son of Chief Justice Richard Morris and a nephew of the eminent statesman, Gouverneur Morris. At the age of seventeen, he entered the American army, serving as aide to Generals Schuyler and Clinton. Under the Confederation, he was First Secretary in the office of Foreign Affairs under Robert Livingston. He came to Vermont about 1786, clearing a fine tract of meadow land in the Connecticut River valley in Springfield. Here he erected a handsome residence, which was his home during the remainder of his life. He was Clerk of Windsor County Court, 1789-96; Judge of Windsor County Court, 1796-1801, and as such officer, supervised the taking of the first census; Clerk of the House of Representatives, 1790-91; member of the Legislature, 1795-96, 1803, 1805-06, 1808, and Speaker in 1795 and 1796; member of the Constitutional Con-



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vention of 1793 and its Secretary; Congressman, 1797-1803. He died December 9, 1825.

Moses Robinson resigned the office of United States Senator on October 15, 1796, circumstances relating to his domestic affairs, being the reason given for his retirement. His term would have expired March 4, 1797. Isaac Tichenor of Bennington was elected to fill the unexpired term and for the full term of six years. In the Council, Nathaniel Chipman had a majority for the short term, but on joint ballot, Tichenor was elected. The Presidential Electors chosen were Elijah Dewey, Elisha Sheldon, John Bridgman and Oliver Gallup. Vermont cast four votes for John Adams for President, and four for Thomas Pinckney for Vice-President. The session of 1796 met in Rutland and Lewis R. Morris was reelected Speaker. Contrary to his usual custom, but feeling, no doubt, that his official career was drawing to a close, Governor Chittenden addressed the joint assembly on Tuesday, October 18. This proved to be his last speech to the people whom he had led wisely and successfully for so many years. Had he known that the end was coming so soon, he could not well have composed a more fitting valedictory. Like a faithful public servant giving account of his stewardship, he said, in part: "I would therefore only observe that but a few years since we were without constitution, law or government, in a state of anarchy and confusion, at war with a potent foreign power, opposed by a powerful neighboring State, discountenanced by the Congress, distressed by internal dissensions, all our landed property in imminent danger, and without the means of defence.

Now, your eyes behold the happy day when we are in the full and uninterrupted enjoyment of a well regulated government, suited to the situation and genius of the people, acknowledged by all the powers of the earth, supported by the Congress, at peace with our sister States, among ourselves and all the world."

After expressing his gratitude to God for his mercies, and urging the legislators "to encourage virtue, industry, morality, religion and learning," he gave this advice, which reads like a benediction:

"Suffer me, sir, as a leader, as a father, as a friend and lover of this people, and as one whose voice cannot be much longer heard here, to instruct you in all your appointments to have regard to none but those who maintain a good moral character, men of integrity and distinguished for wisdom and abilities. In doing this, you will encourage virtue, which is the glory of a people, and discountenance and discourage vice and profaneness, which is a reproach to any people."

During the legislative session of 1796, the Constitution, as revised in 1793, was made the supreme law of the State. The common law of England was formally adopted. An act was passed enabling certain towns in the western and northwestern portions of the State to subscribe for the shares of the Northern Inland Lock and Navigation Company. This was a corporation chartered for the purpose of opening lock navigation from the navigable waters of Hudson River to Lake Champlain. The enterprise was considered "laudable and beneficial to mankind" and also "highly beneficial to the State." Salaries of members of the Council were

fixed at \$1.45 per day, and of members of the Assembly at \$1.25 per day. Gen. Roger Enos, Ira Allen's father-in-law, and a Revolutionary officer, was ordered released from Woodstock jail, where he was held for debt. The attitude of the legislative body toward the judiciary is shown in acts directing the Clerk of the Supreme Court to enter new trials in certain cases.

At an adjourned session of the Legislature, held at Rutland, February 14 to March 10, 1797, Lieutenant Governor Brigham presided over the meetings of the Council. It is evident that Governor Chittenden's failing health prevented his attendance. In July, 1797, the Governor issued a statement to the effect that owing to impaired health, he would not be a candidate for reelection. It has been stated repeatedly that Governor Chittenden resigned his office during 1797, but the records of the Secretary of State's office do not verify such a statement. His health began to fail in the summer of 1796 and some of the duties of the Governor's office apparently were assumed by Lieutenant Governor Brigham. Governor Chittenden died August 24, 1797, and was buried in the cemetery at Williston, where, a century later, the State erected a handsome monument of Vermont granite to mark his grave.

The *Vermont Gazette*, commenting on the death of Governor Chittenden, said: "With a numerous and growing family, in mind formed for adventures, and a firmness which nothing could subdue, he determined to lay a foundation for their future prosperity by emigrating on to the New Hampshire Grants. He removed to Williston in 1773, part of the way through a trackless

wilderness. He settled on fine lands and assisted and encouraged many new settlers. War obliged him to remove in 1776, and he purchased an estate in Arlington, returning to Williston in 1787.

"During the American Revolution, while Warner, Allen, and many others were in the field, he was assiduously engaged in the Council of Safety at home.

"From a little band of associates, he saw his government surpass an hundred thousand souls in number.

"That Governor Chittenden was possessed of great talents and a keen discernment, none can deny. His conversation was easy, simple and instructive and, although his enemies sometimes abused his open frankness, yet it is a truth that no person knew better how to compass great designs with secrecy than himself. His particular address and negotiations during the late war were master strokes of policy. His talents at reconciling jarring interests among the people were peculiar." Reference is made to his benevolence, and it is said that "his granary was open to all the needy." He was a man of earnest religious faith and kindly disposition.

The changed attitude of New York sentiment is reflected in the comment of the *Albany Gazette*, which said at the time of Governor Chittenden's death: "He and the beloved Washington were born in the same year, and seemed to vie with each other in love of liberty and universal emancipation of mankind."

In the journal kept by John Lincklaen, agent of the Holland Land Company, he tells of a visit made to the home of Governor Chittenden in 1791. It gives a little picture of his home life, which is like a photograph not



retouched. The visitor says he was received in country fashion. His host was a man destitute of all education, but possessing good sense and sound judgment. "Born in the State of Connecticut," says the journal, "he still retains the inquisitive character of his compatriots, and overwhelms one with questions to which one can scarcely reply. He is one of the largest and best farmers of the State and is believed to own forty thousand acres beside a considerable number of horned cattle. His house and way of living have nothing to distinguish them from those of any private individual, but he offers heartily a glass of grog, potatoes, and bacon to anyone who wishes to come and see him."

Hollister, in his "History of Pawlet," describes a visit made to Governor Chittenden's home by one of his townsmen. After the Governor's wife had prepared the evening meal, and later had cleared the table, she took her place by the kitchen fire and carded wool until a late hour. During the evening the Governor divided his time between the transaction of State business and waiting on his tavern customers at the bar.

Governor Chittenden had a family of four sons and six daughters. Noah was a farmer, who lived in Jericho, on the intervalle of the Winooski River, opposite his father's home. He was the first Sheriff of Chittenden county, a Judge of the County Court, Judge of Probate and member of the Governor's Council. Martin lived in Jericho, near the home of his brother Noah, and was Governor of the State and a member of Congress. Giles settled on a farm in Williston on the intervalle below his father's home. The only offices he

held were Town Representative and Colonel of Militia. Truman, the youngest son, settled on a farm west of that occupied by his father. He was a Judge of Probate, Judge of the County Court, a member of the Governor's Council, and, for twenty-six years, a member of the corporation of the University of Vermont. The eldest daughter, Mabel, married Truman Barney, a prominent farmer of Williston. Betsey was the wife of James Hill, one of the leading citizens of Charlotte. Hannah married Col. Isaac Clark of Castleton. Beulah married Elijah Galusha of Arlington, who died soon after their marriage. Her second husband was Col. Matthew Lyon. Mary became the wife of Jonas Galusha, afterward Governor of the State. It is worthy of note that Martin Chittenden and Jonas Galusha, his brother-in-law, were political rivals in several campaigns. The youngest daughter, Electa, married Jacob Spafford of Richmond, son of Jonathan Spafford, who was Governor Chittenden's companion in the early settlement of this region.

A strong, wise leader of his people, one of the principal founders of Vermont, a tower of strength in the perilous years when the ownership of homes and the existence of the State were threatened, his passing marked the end of the formative period of the Green Mountain Commonwealth. If he lacked the benefit of education and the graces of polite society, he possessed in abundance the qualities needed among pioneer people who were compelled to fight for their existence. First of Vermont Governors, holding office longer than any of his successors, not one of the men who have followed

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him in office has surpassed Thomas Chittenden in service rendered to the State.

Among the Vermont leaders who were prominent during the early period of its history, none was more vigorous or forceful than Matthew Lyon. The story of his life reads like a romance, and affords another illustration of the old adage that "truth is stranger than fiction." Born in the county of Wicklow, in Ireland, July 14, 1750, his father died while the boy was young. His mother married again and the story is told that the stepfather was not kind to Matthew. The lad learned the trade of printer and bookbinder in Dublin and at the age of fifteen emigrated to America. One sketch of his career says that he was deprived of his passage money and was bound out as a servant, ostensibly to pay for his trip to America. His services were sold to Jacob Bacon of Woodbury, Conn. Later, he was transferred to Hugh Hannah of Litchfield for the remainder of his term of service, the compensation being a pair of steers valued at twelve pounds. One of Lyon's favorite expressions was "by the bulls that redeemed me." Before the expiration of his term of service as a redemptioner, as such servants were called, he was able to buy his freedom. His natural abilities enabled him to gain the friendship of the active men of Litchfield and vicinity. Soon after he attained his majority, he married a Miss Hosford, a niece of Ethan Allen. In 1774, he emigrated to the New Hampshire Grants, settling in Wallingford. He was a member of Ethan Allen's little band of Green Mountain Boys, which captured Ticonderoga in 1775, and later in the year, he

accompanied the American army to Canada as Adjutant of Col. Seth Warner's regiment. He was stationed at a little fort in Jericho when the garrison mutinied, and, although Lyon is said to have protested against the action of the soldiers, he was cashiered by General Gates. Soon after this episode, he was elected a member of the Dorset Convention of, 1776. Lyon led a detachment of Vermonters into the battle at Hubbardton and was of great service to General St. Clair in guiding the retreating army to a place of safety. General Schuyler, with the approval of General Gates, restored Lyon to his rank in the army and he was made Paymaster of Colonel Warner's regiment.

Lyon removed to Arlington during the Revolutionary War, where his wife died in 1783. His second wife was Beulah, daughter of Governor Chittenden, and widow of Elijah Galusha. For several years, he represented Arlington in the General Assembly. Soon after the death of his wife, he removed to Fair Haven, and he has been called the founder of that town, being one of its grantees. Here he established a paper mill, a saw-mill, a grist mill, an iron furnace, two forges, a slitting mill for making nail rods, and a printing office. He represented Fair Haven in the Legislature, in 1783-84, and 1787-96. Matthew Lyon took his seat in Congress about the middle of May, 1797, and a letter written after he had been a member of the House of Representatives three weeks voices a protest against the Congressional custom of proceeding to the Executive Mansion to deliver a formal reply to the President's Speech. On June 3, 1797, Lyon moved "that such members as do



not choose to attend upon the President to present the answer to his speech shall be excused." He protested against "such a piece of mummery" as waiting upon the President, which he characterized as "a boyish piece of business," and he paid his respects to those who considered themselves well born. The motion was adopted unanimously. Later in the same year, November 27, 1797, Lyon again asked to be excused from waiting upon the President. Harrison Gray Otis, a member from Massachusetts, "presumed no gentleman there was particularly anxious for the society of the gentleman from Vermont on this occasion. No doubt he would grace the procession, but it would be sufficiently long without him, and if he chose to remain behind, he need be under no apprehension of being called to account for his conduct."

On January 30, 1798, the House had voted for managers to conduct the impeachment of William Blount. The Speaker left the chair while the tellers were counting the votes, and many of the members left their seats. Lyon stood without the bar of the House, conversing with the Speaker concerning the attitude of the Connecticut Representatives toward the non-intercourse bill. Speaking loudly, apparently with the intention of making himself heard by a considerable number of members, he observed that the Connecticut members were office seekers, and that the people of their State were blinded or deceived by their Representatives, being permitted to see but one side of a question. He further asserted that if he should go into Connecticut and conduct a news-

paper there for six months, he could effect a revolution and turn out the present Representatives.

Mr. Griswold of Connecticut suggested that if Lyon should go into Connecticut, he had better wear his wooden sword, alluding to the fact that the Vermont member was cashiered by General Gates. As Lyon did not notice the remark, Griswold left his seat and approaching Lyon, who was remarking that he knew the Connecticut people well, having fought them frequently in his own district, asked him if he fought his opponents with his wooden sword. Turning upon his questioner, Lyon spat in his face. The two men rushed at each other, but were separated and the House was called to order, when Mr. Sewall of Massachusetts offered the following resolution: "Resolved, That Matthew Lyon, a member of this House, for a violent attack and gross indecency committed upon the person of Roger Griswold, another member, in the presence of the House, whilst sitting, be, for this disorderly behavior expelled therefrom." By a vote of 46 to 44, this resolution was referred to the Committee of Privileges, composed of Messrs. Pinckney of South Carolina, Venable of Virginia, Kittera of Pennsylvania, Isaac Parker of Massachusetts, R. Williams of North Carolina, Cochran of New York and Dent of Maryland. On February 1, a letter from Lyon was read by the Speaker in which the Vermont Congressman declared that if he had violated the rules of the House, it was through ignorance and was not intentional, and stated that he was sorry to have deserved the censure of the House. On February 2, Mr. Venable for the commit-

tee reported the facts concerning the affair, and recommended that the resolution providing for expulsion should be adopted. Lyon complained that the evidence presented was incomplete and a few days later, the House went into committee of the whole to hear testimony. The Speaker was heard and Judge Chipman, one of the Vermont Senators, was asked to appear. Mr. Macon of North Carolina thought the punishment proposed "was equal to death itself." A motion to substitute a reprimand for expulsion was defeated, 52 to 44. On the motion to expel the vote was the same, 52 to 44, but a two-thirds vote being necessary, it was lost.

Roger Griswold of Connecticut, feeling that the insult offered him had not been sufficiently punished, decided to take matters into his own hands. On December 15, 1798, while the Speaker was in his chair and many members were in their places, he went to Lyon's seat, where the latter was writing, and began to beat him with great violence, using a heavy walking stick. Extricating himself from his seat, Lyon seized the tongs from the fire-place, and the combatants closed, coming together on the floor. They were separated, but would have renewed the contest had it not been for the intervention of the doorkeeper and members of the House.

An attempt was made to transact regular business, but this personal encounter, said to have been the first in the history of Congress, caused so much excitement that members were in no mood for their legislative duties. On the following day, February 16, Mr. Davis of Kentucky offered a resolution providing for the expulsion of both Griswold and Lyon, and it was referred to

the Committee on Privileges. On motion of Mr. Otis of Massachusetts, a resolution was adopted requiring both offending members to pledge their word to the House that they would not commit any act of violence upon each other during the remainder of the session. Both men publicly agreed to this request. The resolution to expel Griswold and Lyon was reported adversely by the committee on February 20, and was defeated by a vote of 73 to 21. A resolution offered by Mr. Williams of North Carolina, censuring the offending members and directing the Speaker to administer a public reprimand, was defeated by the close vote of 47 to 48.

This disgraceful affair was the occasion for numerous cartoons and poems. McMaster, in his "History of the People of the United States," says that "no man, except John Jay, was ever made the subject of more bad verse, more poor wit, more bad puns." Lyon's entrance into public life had been far from creditable either to himself or to the State which he represented. In a period when partisanship was exceedingly bitter, he was more intensely partisan than most of his associates. He was a man of great ability, who had rendered good service and was to render much more, but his inability to see any good in his opponents led him into indiscretions and lessened his usefulness as a public servant.

Lyon's next public appearance, although far from agreeable to him, was much more creditable than the altercation with his Connecticut colleague. The administration of President Adams had secured the passage of the famous, or infamous, Alien and Sedition Acts, a policy that was suicidal for the Federalist party.



Lyon had returned home to conduct his canvass for reelection. A letter had preceded him, which was printed in the *Vermont Gazette*, in which he charged the President with "a continual grasp for power, \* \* \* an unbounded thirst for ridiculous pomp, foolish adulation and selfish avarice." In a speech Lyon had read a letter from Joel Barlow, which had criticized Adams harshly and expressed wonder that the answer of the House to the President's speech had not been "an order to send him to a mad-house." He had also secured the publication of this letter. Soon after his return to Vermont, he was arrested, being the first victim of the Sedition Law. Early in October, Lyon was placed on trial in the United States Court, sitting at Rutland, over which Judge Paterson presided. He had appealed to Messrs. Fay and Robinson of Bennington to act as his counsel, but neither man was able to assist him. It was necessary, therefore, that he should conduct his own defence. He attacked the constitutionality of the law and asserted that he had been innocent of any wrong. The charge of the Judge was adverse to the prisoner, and the jury brought in a verdict of guilty of attempting to stir up sedition and to bring the President and Government of the United States into contempt. The sentence imposed was a fine of one thousand dollars and a prison term of four months. It was claimed by Lyon that the jurors were selected from towns known to be unfriendly to him.

United States Marshal Jabez G. Fitch, accompanied by two armed guards, conducted the prisoner to Vergennes, where he was confined in what is said to have

been a cold and filthy jail and was subjected to treatment accorded only to the lowest criminals.

The election of 1798 was held while Lyon was in jail and there was no choice for Congressman in his district, the vote standing, Lyon, 3,482; Williams, 1,554; Chipman, 1,370; Spencer, 285; Israel Smith, 274.

In order to raise money for the payment of Lyon's fine, a lottery was utilized which raised not only enough to pay the fine and costs, but left a surplus of three thousand dollars. Apollos Austin of Orwell, a wealthy Jeffersonian Republican, went to Vergennes with one thousand sixty silver dollars for the payment of the fine, and in far off Virginia Senator S. T. Mason secured a similar amount in gold, which he put into his saddlebags and started for Vermont, intending to pay the fine. The arrest of Lyon caused great excitement throughout the United States. Jefferson wrote: "I know not which mortifies me most, that I should fear to write what I think, or my country bear such a state of things." At a special election held in December, Lyon was elected by a majority of about six hundred, his principal competitor being Samuel Williams. A petition had been presented to President Adams, signed by several thousand persons, asking that Matthew Lyon's fine might be remitted. As Lyon's name was not attached, the President refused, saying "penitence must precede pardon." Lyon's term of imprisonment expired early in February, 1799. His fine was paid and in order to escape rearrest, he announced that he was on his way to take his seat in Congress. His release was made the occasion of a great demonstration, which partook of

the nature of a triumphal procession. He was placed in a sleigh drawn by four horses and driven to Middlebury, and one report of the occasion says the procession that followed was twelve miles in length. When he arrived at Bennington, on the fifth day of February, he was welcomed with songs written for the occasion. The first verse of a "Patriotic Exultation," written by Mr. Haswell of the *Vermont Gazette*, reads as follows:

"Come take a glass and drink his health,  
Who is a friend to Lyon,  
First martyr under Federal law  
The junto dared to try on."

Anthony Haswell of Bennington, publisher of the *Vermont Gazette*, was also a victim of the Sedition Act, being fined two hundred dollars and sentenced to sixty days in jail for printing an article criticizing the arrest of Lyon. Lyon resumed his seat in the House on February 20, 1799, and on the same day, Mr. Bayard of Delaware, a Federalist leader, proposed the following resolution: "Resolved, That Matthew Lyon, a member of the House, having been convicted of being a notorious and seditious person, and of a depraved mind, and wicked and diabolical disposition, and of wickedly, deceitfully and maliciously contriving to defame the Government of the United States; and having with intent and design to defame the Government of the United States, and to bring the said Government and President into contempt and disrepute, and with intent and design to excite against the said Government and President the hatred

of the good people of the United States, and to stir up sedition in the United States, wickedly, knowingly and maliciously, written and published certain scandalous and seditious writings or libels, be therefor expelled this House." This resolution was called up on February 22. Lyon spoke in his own behalf, claiming that he was to be tried before a packed jury. Mr. Allen of Connecticut denied the assertion. Mr. Nicholas of Virginia defended Lyon. Mr. Bayard supported his resolution. Mr. Gallatin opposed it, asserting that Lyon had been sufficiently punished, and that persecution had followed him long enough. The vote was as follows: Yeas, 49; Nays, 45. The resolution to expel was lost, not having received a two-thirds vote. If the Bayard resolution had been adopted, and Lyon had been expelled, then Aaron Burr and not Thomas Jefferson might have been chosen President of the United States when the election was thrown into the House of Representatives, as Lewis Morris, Federalist, would have cast the vote of Vermont, and on several ballots, he voted for Burr.

The bitterness which Lyon felt toward John Adams is shown in a letter which the Vermont Congressman addressed to the President, dated one minute after the fourth of March, 1801, had dawned, the day when Jefferson became Chief Executive of the United States. In this letter, he reviews the Adams administration. A few extracts will show the tone of the communication. he wrote: "I hope, sir, you are not past blushing at what a school boy would be ashamed of. The people of this country can never be divided from the government; you have brought yourself into hatred and con-



tempt with them, but they never could be reduced to view you and your executive officers as the government. \* \* \* I hope you will recollect how you swelled and strutted when you were abusing the nation you were hypocritically pretending to make up differences with." In addressing the President, he refers to "your mad zeal for monarchy and Britain, your love of pomp, your unhappy selection of favorites, your regardlessness of the public treasure." He charges that useless and expensive embassies have been established, "offices and officers almost without number have been created and appointed, all out of the favored caste," and the judiciary "under your untoward administration have made alarming encroachments on the rights of man." Naturally, he condemned with vigor the passage of the Alien and Sedition Acts, saying of the latter, "you thought by its terrors to shut the mouths of all but sycophants and flatterers." In closing, he says: "Come, pray sir, cool yourself a little. Do not coil round like the rattlesnake and bite yourself. No, betake yourself to fasting and prayer a while. It may be good for both body and soul. That is a safer remedy for an old man in your situation than the letting of blood. \* \* \* I hope and pray that your fate may be a warning to all usurpers and tyrants and that you may, before you leave this world, become a true and sincere penitent, and be forgiven of your manifold sins in the next."

At the end of his term, Lyon decided to remove to Kentucky. Business reverses and political animosities were responsible for this decision. According to his biographer, J. Fairfax McLaughlin, he was offered the

position of Commissary General of the Western Army, but declined it. His son, James Lyon, was given a Government clerkship. On his way to his new home, Matthew Lyon visited Andrew Jackson. Soon after his arrival at his Kentucky home, he wrote a friend that he had petitioned the Kentucky Legislature to set apart a share of land "for such Republicans from Vermont as may emigrate hither." Lyon was elected a member of the Kentucky Legislature in 1802 and 1803. From 1803 to 1811, he represented a Kentucky district in Congress, and was one of the prominent leaders of his party. Before the end of his Congressional career, Matthew Lyon became somewhat estranged from Jefferson. He is said to have remarked concerning the President, "I made him, and I can unmake him." This was a reference to Lyon's vote in the contest between Jefferson and Burr. He became a believer in a protective tariff, was found acting and voting with Roger Griswold, and in sympathy with Josiah Quincy of Massachusetts, the Federalist leader, with whom he formed a warm friendship. He opposed the nomination of Presidential candidates by Congressional caucuses, the Embargo Act and the War of 1812. His career is an excellent illustration of the manner in which a fiery radical often develops by a process of political evolution into a sober conservative. Owing to his opposition to the policies of the administration, he was defeated for reelection. Several references are made to Lyon's associations with Aaron Burr, but there is no evidence that would impeach Lyon's honor or patriotism. In 1812, he took a contract to build gunboats at his shipyard on the Cumberland River,

and to deliver them at New Orleans. Some of the boats were wrecked, others were not delivered on time, and the enterprise resulted disastrously for Lyon. His sons, who were prosperous men, came to the assistance of their father, Chittenden Lyon assuming twenty-eight thousand dollars of the indebtedness. In 1820, President Monroe appointed him United States Factor to the Cherokee Nation in the Territory of Arkansas. The voters of the territory elected him Delegate to Congress, but he died August 1, 1822, before he had taken his seat. His son, Chittenden Lyon, was a prominent member of Congress during President Jackson's administration. William P. Hepburn of Iowa, a Republican leader in Congress during the last years of the Nineteenth century, was a great-grandson of Matthew Lyon. In 1833, Lyon's heirs received a sum of money by vote of Congress as a recompense for the fine imposed under the Sedition Act. Elected to Congress from Vermont, Kentucky and Arkansas, active in the development of manufacturing enterprises, an intense partisan, zealous and enthusiastic in everything he undertook, Matthew Lyon was one of the notable figures of the first quarter century of American history.

In the election of 1797, there was no choice for Governor. Among the leading candidates were Isaac Tichenor, Moses Robinson, Israel Smith, Samuel Williams and Gideon Olin. The Legislature therefore elected Isaac Tichenor. The new Chief Executive was one of the ablest of Vermont's early leaders. Born in Newark, N. J., February 8, 1754, he was graduated from Princeton College in 1775. He began the study

of law, which he abandoned temporarily to enter the Continental Army. He was assigned to the Commissary Department, most of his time being spent in New England. He was detailed for duty at Bennington in June, 1777, and that village was his headquarters until the close of the conflict. After the war, he established a law practice at Bennington and soon became one of the foremost public men of Vermont. He represented his town in the General Assembly from 1781 to 1785, and was elected Speaker in 1783; was a member of the Council from 1786 to 1792; was Judge of the Supreme Court from 1791 to 1796 and Chief Justice two years, and a member of the Council of Censors in 1792. In 1782, he was sent into Windham county to deal with the disaffected New York sympathizers. He was chosen Agent and Delegate to the Continental Congress for the years 1782, 1783, 1787, 1788 and 1789. In 1790, he was one of the Vermont Commissioners who brought to a successful conclusion the long standing controversy with New York. He was elected United States Senator in 1796, resigning to accept an election as Governor in 1797. In the early period of American history it was not uncommon for public men to resign national positions in order to accept official positions in the States. Governor Tichenor was Chief Executive of the State from 1797 to 1807, was defeated for one term and again elected. He was a Federalist and, owing to his unusual ability and his personal charm, he was much stronger than his party. In Governor Chittenden's later years Judge Tichenor was his political opponent. There was a strong contrast between the rough and ready pioneer



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leader and the educated, polished gentleman who contested with him for Vermont's highest honor.

The legislative session of 1797 was held at Windsor and the General Assembly organized by electing Abel Spencer of Clarendon as Speaker. The oath was administered to the new Governor by Chief Judge Nathaniel Chipman of the Supreme Court. In his inaugural address, Governor Tichenor paid a tribute of respect to the memory of his distinguished predecessor. He referred to the wisdom with which the affairs of the National Government had been administered in a time "of the greatest difficulty and danger."

On the following day, the Council and Assembly met in Grand Committee and filled the vacancy in the United States Senate caused by the resignation of Governor Tichenor, Judge Nathaniel Chipman being chosen. At this time, Senator Chipman was forty-five years old, a leader of the Federalist party, and one of a group of strong men who were influential in bringing Vermont into the Union. Born November 15, 1752, in Salisbury, Conn., which was the home of Ethan and Ira Allen, and Thomas Chittenden when they emigrated to the New Hampshire Grants, he graduated from Yale College in 1777. He served in the Continental army as a Lieutenant, participating in the battle of Monmouth and sharing in the hardships of Valley Forge. His poverty compelled him to resign, and returning home, he studied law, being admitted to the bar in 1779. He came to Vermont, settling at Tinmouth, where he built a forge for the manufacture of bar iron. He was a member of the Legislature, 1784-85, and was elected Assistant

Judge of the Supreme Court in 1786, being the first lawyer to be elected to a judgeship. In 1789-90, he held the position of Chief Justice. He was a member of the commission which negotiated the settlement of the controversy with New York, a leader in the convention which ratified the United States Constitution, and a member of the commission which arranged for the admission of Vermont to the Union. President Washington appointed him United States Judge for the district of Vermont, a position which he resigned in 1793. He was elected Chief Justice of the State Supreme Court in 1796, resigning to accept the office of Senator. After a term of five years in the Senate he returned to Vermont and resumed the practice of law. In 1813, he was elected a member of the Council of Censors, and during the same year, he was again made Chief Justice of the Supreme Court, holding the position until 1815, when the opposition party came into power. In 1815, he was appointed professor of law in Middlebury College, a position which he held until his death in 1843, at the age of ninety-one years.

Owing to the possibility of war with France, the Legislature authorized the Governor to supply the quota of troops required by President Adams. Three regiments of Vermont militia, numbering 2,150 men, were ordered to be detached for this purpose under command of Gen. Zebina Curtis of Windsor, but they were not ordered into actual service.

Governor Tichenor was reelected in 1798, receiving 6,211 votes. Moses Robinson received 2,805 votes and there were 332 scattering ballots. Lewis Morris and

Matthew Lyon were reelected as Congressmen. The inaugural address of Governor Tichenor reflected the excitement prevailing as a result of the controversy with France. He said, in part: "As a member of the Union, we may pride ourselves in the wisdom, integrity and firmness of the administration of our General Government. By its wisdom the specious designs of the French rulers to involve us in a ruinous war have been discovered and frustrated; but its integrity, a national love of our own country has been adhered to in lieu of an enthusiastic preference for a foreign power, and the demand of a degrading tribute boldly resisted; and by its firmness, the wanton depredations upon our commerce have been checked upon our coasts, and the ships of lawless freebooters have been subjected to just reprisals." The reply of the Assembly to the Governor's address declared: "Let us adopt an old motto: 'Liberty or death!' \* \* \* We rejoice in the return of our envoys; and may we only speak to them (the French nation) through the mouths of our cannon, until they come to a sense of the injuries they have done us, and a wish to repair them." The opposition to France appears to have had the support of members of the Legislature, irrespective of party lines.

Very early in the session, an address to President John Adams was adopted in which reference was made to sympathy with France "in the infancy of French political reformation"; but when "they violently and insiduously struck at our national independence, every tie of affection for Frenchmen was dissolved, and we clearly perceived that we could no longer be attached to that

nation but at the expense of our morals, our religion and the love of our country." The address continued: "Your resolution to send no other envoys to that haughty nation, unless previously assured of their honorable reception, evidences beyond doubt your firm attachment to the interest and honor of your country. You have justified your country in the face of the world; and if the consequences of French duplicity and rapacity shall involve us in war, which we pray heaven to avert, we pledge ourselves to our country for our firmest support of her violated rights.

"Permit us to add assurances of our personal respect. While we honor you as our Chief Magistrate, we respect you as a man; and it is to your glory we can say, we regard John Adams because we love our country."

This address was adopted by a vote of 129 to 23. A substitute address was offered by Udney Hay which professed zeal for and attachment to the National Government, abhorred all foreign influence and intrigues, condemned the manner in which the American envoys had been received in France, expressed a readiness to sacrifice all comforts and blessings of peace rather than yield to an imperious, insulting government, and declared veneration for the President's virtues and respect for his abilities. Objection was made to this address presented by the majority because of its alleged servility, its approbation of every measure of the national administration, which would include the Alien and Sedition Acts, its pointed allusion to distinguished characters and its criticism of the religious sentiments of France.





Rock Point, Burlington



The address adopted by the Legislature was forwarded by Governor Tichenor to President Adams, who replied promptly and with evident gratification, saying: "Among all the addresses which have been presented to me from communities, corporations, towns, cities and Legislatures, there has been none more acceptable to me, or which has affected my sensibility or commanded my gratitude more, than this very sentimental compliment from the State of Vermont; a State, which, within my memory, has been converted from a wilderness to a fruitful field. Knowing as I do your origin and progress, the brave, hardy, industrious and temperate character of the people, the approbation of their representatives, their attachment to the Constitution and determination to support the Government, are the more to be esteemed. \* \* \* It is not possible for my fellow citizens to say anything more glorious or delightful to me than that they regard me because they love their country."

During the summer of 1798, the Governor of Massachusetts sent to Governor Tichenor a communication calling attention to the need of some constitutional barrier that should oppose "the introduction of foreign influence into our national councils." Resolutions which accompanied the statement, recommended that no person should be eligible to the office of President, Vice President, Senator or Representative in Congress, unless he was native of this country, or had been a resident of the United States prior to the adoption of the Declaration of Independence, and had continued to reside in this country, or had been employed in its service since that

time. In the event that this resolution should be considered too drastic it was urged that candidates for the official positions enumerated should be required to prove that they had been citizens of the United States at least fourteen years before the election in which they appealed for votes. These resolutions were adopted by a vote of 152 to 5.

In November, 1798, the Kentucky Legislature adopted a series of resolutions, drawn by Thomas Jefferson, in which the Federal Constitution was called a compact, the declaration was made that the National Government was created for special purposes, that the States reserved to themselves "the residuary mass of right to their own self government, and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void and of no force." The following year, the Kentucky Legislature went still further in declaring the right of the States to decide for themselves whether there had or had not been an infraction of the Federal Constitution, stating its position in these words: "That the several States who formed the instrument, being sovereign and independent, have the unquestionable right to judge of the infraction; and that a nullification by those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy." The Virginia resolutions, drawn by James Madison, were milder, but followed the general tone of the Kentucky statement, calling the Constitution a compact and declaring that its powers were limited. These resolutions were early expressions of the doctrine of State Rights, which required the great constitutional



decisions of John Marshall, the eloquence of Daniel Webster and the bitter experiences of four years of Civil War to eradicate from the political life of America.

In October, 1799, a sub-committee was appointed by the Vermont Assembly to report a statement concerning the Kentucky and Virginia resolutions, which had been transmitted to the Legislature of this State. Daniel Chipman reported a reply, given "without disguise and with decision." Going directly to the heart of the matter, the report declared that if a State Legislature had the right to declare, as these resolutions did declare, two acts of Congress invalid, then it had a right to declare all the acts of that body unconstitutional. "Suppose each Legislature possess the power you contend for," continues the report, "each State Legislature would have the right to cause all the acts of Congress to pass in view before them, and reject or approve at their discretion and the consequences would be that the government of the Union, falsely called general, might operate partially in some States, and cease to operate in others. Would not this defeat the grand design of our Union?"

Replying to the Virginia resolution, the report of the committee made this significant declaration: "It belongs not to the State Legislatures to decide on the constitutionality of laws made by the General Government, this power being exclusively vested in the judiciary courts of the Union." If the Virginia leaders had accepted the sound opinion of Vermont legislators, this country would have been saved many years of bitter controversy.

The answer to the Kentucky resolutions was adopted by a vote of 101 to 50, and the reply to Virginia by a vote of 104 to 52. The members who opposed the Chipman resolutions, in a statement made at this time, indicated their loyalty to the Union in the following words: "We cannot, therefore, be charged with an intent to justify an opposition, in any manner of form whatever, to the operation of any act of the Union. That we conceive to be rebellion, punishable by the courts of the United States." This patriotic doctrine was totally at variance with the policy of the men who protested with great vigor against the epoch making decisions of Chief Justice Marshall, asserting the supremacy of the Nation.

During the legislative session of 1798, a law was enacted directing Justices of the Peace, Selectmen, Constables and Grand Jurors to meet within fifteen days after the March town meeting, to assemble and nominate by majority vote persons whom "they shall judge fit and suitable to keep inns or houses of public entertainment in their respective towns for the year ensuing." County Courts were authorized to choose from these lists persons to whom licenses might properly be granted for keeping houses of public entertainment. Owing to the fact that certain records were destroyed during the Revolutionary War, proprietors were authorized to establish new divisions.

In 1799, Governor Tichenor was reelected. In his inaugural address, he alluded to the fact that all the debts contracted in the prosecution of the War for Independence had been paid. The harvests had been plentiful and the pestilence of yellow fever which had devas-

tated the seaports of sister States, had not visited Vermont. He alluded to an episode on the Canadian border which might easily have caused serious friction with Great Britain. Deputy Sheriff John Allen of Franklin county proceeded to Alburg with a warrant calling for the arrest of one John Gregg. The latter took refuge in his brother's house just across the Canadian line. Allen and his party crossed the boundary, arrested Gregg, bound him, put him into a sleigh and started southward on the ice. While rounding Alburg Tongue, the party broke through the ice and Gregg was drowned. The Vermont officer was indicted for murder in a court held at Montreal, and Governor Prescott of Canada demanded that he should appear for trial. Governor Tichenor made an ample apology and the British Government dealt with the affair in a conciliatory manner, which moved Governor Tichenor to refer to the General Assembly the indebtedness of the State "to the liberality and justice" of the Canadian authorities. Governor Tichenor made two trips to the northern border of the State to aid in bringing about an amicable settlement of this affair.

The Legislature of 1799 met at Windsor and elected as Speaker Amos Marsh of Vergennes. During this session, the county of Orleans was organized and three library societies were incorporated. An act passed in 1794, directing the use of certain lands granted by the British Government as glebes for the benefit of the Church of England, was repealed. A resolution was adopted, asking members to use their best efforts to secure the submission to the States of a proposed amend-

ment to the Federal Constitution providing that Electors should designate their choice of candidates for President and Vice President.

The news of the death of George Washington was received in Bennington on Christmas day, 1799. An announcement of the fact was made in County Court, which, evidently did not adjourn for Christmas holidays, and at two o'clock in the afternoon, a suitable service was held which was attended by court, bar and citizens. Governor Tichenor was chairman of the committee of arrangements. Col. Daniel Robinson officiated as marshal and a procession was formed which included militia officers in uniform, a troop of horses recruited in Bennington and Pownal, a company of light infantry from Shaftsbury, bodies of young men and aged citizens, Free Masons, civil officials, the Governor and the clergy. This was described as "the most solemn and well ordered procession that ever was seen in Bennington"; and it marched to the meeting house to the music of muffled drums, playing a solemn dirge. Here a sermon was delivered by Reverend Mr. Swift, a song composed by Anthony Haswell was sung, and the vigorous editor delivered an oration. The procession then reformed and marched to the court house, where the Masons and citizens partook of a "hastily prepared repast."

In 1800, Governor Tichenor was reelected, defeating Israel Smith by a majority of 2,735. Matthew Lyon having emigrated to Kentucky, Israel Smith again was elected to Congress from the Western district. Lewis R. Morris was reelected in the Eastern district. Presidential Electors chosen were Elijah Dewey of Benning-



ton, Roswell Hopkins of Vergennes, Jonathan Hunt of Vernon and William Chamberlain of Peacham. Alexander Hamilton was reported to have written Governor Tichenor, favoring Charles C. Pinckney for Vice President. No candidate having received a majority, the election was thrown into the House of Representatives, each State having one vote. The vote of Vermont and Maryland was divided. Matthew Lyon, whose term had not yet expired, favored Thomas Jefferson, while Lewis R. Morris supported Aaron Burr. On the thirty-sixth ballot, however, Lewis R. Morris and his Federal colleagues from Maryland and Delaware cast blank ballots and Jefferson was elected.

The third Council of Censors, elected in 1799, was composed of the following members: Samuel Knight of Brattleboro, Benjamin Emmons of Woodstock, Elias Buel of Huntington, Noah Chittenden of Jericho, Elijah Dewey of Bennington, David Fay of Bennington, Lot Hall of Westminster, Jonathan Hunt of Vernon, John Leverett of Windsor, Nathaniel Niles of West Fairlee, Moses Robinson of Bennington, John White of Georgia, and John Willard of Middlebury. The Council met in February, 1800, but proposed no amendments to the Constitution. It recommended the repeal of the act of October 6, 1796, empowering the Supreme Court to deprive a citizen of his right to vote "for any evil action which shall render him notoriously scandalous"; and the greater part of the act of October 25, 1797, relating to the support of the Gospel, on the ground that the measure was contrary to the purpose of the third section of the Bill of Rights. The subject of Sheriffs' fees

was also considered and an Address to the People was published.

The session of the Legislature in 1800 was held at Middlebury, and Amos Marsh of Vergennes was reelected Speaker. A general law was enacted providing for the organization of library societies, turnpikes and county roads were authorized, and Middlebury College was incorporated.

Among the large number of judicial appointments made by President John Adams in the last hours of his administration, was that of Senator Elijah Paine, whose term expired with that of the President, to be United States Judge for the District of Vermont. He had been reelected for a full term but resigned to accept the judgeship. For forty-one years, he held this office, until his death in 1842, at the age of eighty-five years.

In 1801, Governor Tichenor was reelected by a somewhat reduced majority, but a Republican House had been returned. Stephen R. Bradley was elected United States Senator for the term for which Judge Paine had been chosen. A majority of the Council voted for William Chamberlain. During Senator Bradley's previous term, he had made a good record. A bill which he introduced established the form of the national flag, fifteen stripes and fifteen stars, as it remained from 1795 to 1814. It was sometimes known as the Bradley Flag. Senator Bradley was President Pro Tem of the Senate in 1801-02, during the absence of Vice President Aaron Burr.

The Legislature met at Newbury in 1801 and for the third time elected Amos Marsh of Vergennes as

Speaker. In Governor Tichenor's inaugural address, he announced that the public debt, due on hard money orders, had been cancelled. He reported that the greater part of the militia was destitute of arms, the militia law had "lain dormant" and could not well be enforced. Therefore, he suggested the purchase of arms or their manufacture in the State. He also called attention to the fact that field artillery "is of indispensable use in modern tactics, and in almost all our sister States, provided at the expense of the government." He believed the people would "feel a virtuous pride" in cherishing military zeal, and added: "Surely the public treasure cannot be better expended than for national defence." Had this policy been adopted, not only in Vermont and in the Nation, military operations a decade later, would have made a more brilliant record in American history.

Many citizens having represented to the General Assembly that the "act for the support of the Gospel" was a direct violation of the Bill of Rights, the fourth and fifth sections were repealed. It was provided, however, in the revised act that a legal voter should be taxed for the purposes mentioned in the law unless he filed with the clerk of his town or parish a signed statement declaring that he did not agree in religious opinion with a majority of the inhabitants of said town or parish. An act to punish duelling provided that a person killing another in a duel should suffer death as a murderer. Persons fighting a duel, giving or accepting a challenge, were liable to fines varying from fifty to one hundred dollars, and in addition were disfranchised

and made forever incapable of holding office. In order to encourage sheep raising, a law was enacted providing that for every sheep not exceeding twenty in number, shorn between May 10 and June 20 of any year, one dollar might be deducted from the taxable list of the owner. The Governor's salary was fixed at seven hundred and fifty dollars. Aaron Elliot of Killingsworth, Conn., his heirs and assigns, were given the exclusive right to manufacture crawley and blistered steel in the State for a period of ten years. In order to take advantage of the act, a factory must be erected within one year from its passage and thirty tons of good steel must be manufactured every year. The continued supremacy of the legislative over the judicial department is shown in the remission of a fine imposed by the Supreme Court.

In 1801, by a vote of 86 to 59, the General Assembly adopted a formal address to President Jefferson. As the majority party had been somewhat critical of such addresses in the past, the opening sentence reflects an apologetic tone, saying: "Although we are by no means fond of formal addresses to any of our rulers, yet, as the practice has already obtained, our silence on the present auspicious occasion might be falsely interpreted into an indifference toward your person, your political opinions, or your administration. We take, therefore, this earliest opportunity to assure you that we love and admire the Federal Constitution, not merely because it is the result and display of the collected wisdom of our own country, but especially because its principles are the principles of liberty, both civil and religious, and the



rights of man. We contemplate the General Government as the sheet anchor of our peace at home and safety abroad. We sincerely respect all the constituted authorities of our country. We regard the Presidency with a cordial attachment and profound respect. But, sir, we do not regard you merely as the dignified functionary of this august office. That you are an American, both in birth and principle, excites in us sensations of more exalted pleasure. We revere your talents, are assured of your patriotism, and rely on your fidelity. More than this—our hearts in union with your own, reverberate the political opinions you have been pleased to announce in your inaugural speech. Having said this, we need not add that you may assure yourself our constant and faithful support, while you carry into effect your own rules of government.”

The State Rights theories which were favored by Jefferson and opposed by John Marshall in his great judicial decisions, are reflected in a part of this address, which says: “May the General Government draw around the whole Nation such lines of defence as shall prove impassable to every foreign foe. May it secure to the several States, as well the reality as the form of republican government. May it ever respect those governments as the most ‘competent for our domestic concerns, and cherish them as the truest bulwarks against anti-republican tendencies’ and effectually protect them against any possible encroachments on each other. May it effectually extend to us, and to every individual of our fellow citizens, all that protection to which the State governments may be found incompetent. While it thus

defends us against ourselves and all the world, may it leave every individual to the free pursuit of his own object in his own way."

President Jefferson, in his reply, expressed his satisfaction with the address from the House of Representatives, saying: "The friendly and favorable sentiments they are so good as to express towards myself, personally, are high encouragement to perseverance in duty, and call for my sincere thanks." He favored a government founded "not in fears and follies of man, but on his reason, on his sense of right"; that "may be so free as to restrain him in no moral wrong." He expressed his idea that the functions of the National Government should be "to draw around the whole Nation the strength of the General Government as a barrier against foreign foes; to watch the borders of every State, that no external hand may intrude, or disturb the exercise of self government, reserved to itself; to equalize and moderate the public contributions, that while the requisite services are invited by remuneration, nothing beyond this may exist to attract the attention of our citizens from the pursuits of useful industry, nor unjustly to burthen those who continue in those pursuits."

Two years later, in 1803, the General Assembly of Vermont again addressed President Jefferson. Referring to the Louisiana Purchase, the address says: "While we contemplate the acquisition of an extensive and fertile territory, with the free navigation of the Mississippi; we cannot but venerate that spirit of moderation and firmness which among divided councils finally enriched our country without the effusion of blood; and it is with

much satisfaction that we learn from the highest authority that no new taxes will be requisite for the completion of the payment for this valuable acquisition. Permit us then to tender to you, sir, our warmest thanks for the conspicuous part you have taken in this important arrangement." Reference is made to "the indecent and vilifying expressions too frequently uttered through the medium of the press against the administration of our government." The possibility of a conflict with a foreign foe is reflected in the following paragraph: "From our own feelings, as well as from the general knowledge we possess of the sentiments of our constituents, you may be assured that the hardy sons of Vermont, though earnestly engaged in their peaceable pursuits, will be ready to fly on the call of their country, at the risk of their lives, their fortunes and domestic felicity, to maintain their rights as an independent nation—preferring every consequence to insult and habitual wrong." To this address, the President replied in a cordial expression of thanks.

In its issue of March 15, 1802, the *Vermont Gazette* gives Judge Chipman's speech in the United States Senate in opposition to the repeal of the judiciary law, in which he defended the courts with much ability. Senator Chipman had supported the Adams policies including the Sedition Act. A few weeks later, the *Gazette* devoted more than two pages to the report of the speech of Israel Smith, delivered in the House of Representatives, in which he favored the repeal of the judiciary law.

On the fourth day of March, 1802, the first anniversary of the inauguration of Thomas Jefferson, the Vice President, George Clinton, members of the House and Senate, and the heads of departments to the number of seventy, met at the Republican Hotel for dinner. The prominence of Senator Stephen R. Bradley in party councils is shown in the fact that he was the presiding officer and responded to the toast: "Thomas Jefferson, the man whom the people delight to honor."

In 1802, Governor Tichenor was reelected, the vote being: Tichenor, 7,823; Israel Smith, 5,085; scattering, 181. In the Congressional elections, two Republican members, Gideon Olin and James Elliot, and two Federalist members, William Chamberlain and Martin Chittenden, were elected, the last two men defeating Nathaniel Niles and Col. Udney Hay, their Republican rivals.

Gideon Olin was born in Rhode Island, in 1743, and removed to Shaftsbury in 1776. He was a delegate to the convention which met at Windsor, June 4, 1777. He was a Commissioner of Sequestration, and a Major in active service during the Revolutionary War. He served in the General Assembly in 1778, and from 1780 until 1793, being Speaker of the House from 1788 to 1793. He was also a member in 1799. From 1793 to 1798, he served in the Governor's Council. For twenty-three years, he was a Judge of Bennington County Court, serving for four years as Chief Judge. He was delegate to the Constitutional Conventions of 1791 and 1793. He died in January, 1823. A son,



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Abraham B. Olin, was a member of Congress from New York.

William Chamberlain was born in Hopkinton, Mass., April 27, 1753. At the age of twenty, he removed to Loudon, N. H. He served as Orderly Sergeant in the American army which invaded Canada in 1775, and was one of nine officers and privates in a company of seventy, who survived to take part in the battle of Trenton. He also participated in the battle of Bennington. In 1780, he removed to Peacham, Vt. He was a member of the General Assembly in 1785, 1787-96, 1805 and 1808. He served as Chief Judge of Caledonia County Court from 1787 to 1803, and again in 1814. He was a member of the Council from 1796 to 1803, and a delegate to the Constitutional Conventions of 1791 and 1814, a Presidential Elector in 1800 and Lieutenant Governor from 1813 to 1815. He died September 27, 1828.

James Elliot was born in Gloucester, Mass., August 18, 1775. He entered the employ of Colonel Robinson of Petersham, Mass., as a farm servant, while a young lad. His employer taught him the rudiments of English grammar, but the greater part of his education was acquired as a result of his own efforts. When he was fifteen years old, he secured employment as a clerk at Guilford, Vt. He had military aspirations, and at the age of eighteen enlisted at Springfield, Mass., serving for three years. He aided in suppressing the Whiskey insurrection in Pennsylvania and the Indian uprising in Ohio. He returned to Guilford in 1798, published a volume of political and miscellaneous nature, studied law, was admitted to the bar, and located at Brattleboro

for the practice of his profession. He defeated Lewis R. Morris for Congress and served three terms in that body. After his retirement, he published a newspaper in Philadelphia. He was a Captain in the War of 1812, and after a brief period of service he returned to Brattleboro and resumed the practice of law. He served in the Legislature in 1818 and 1819. Later, he removed to Newfane and again was a member of the General Assembly, in 1837-38. He served as County Clerk, Judge of Probate and State's Attorney. He died November 10, 1839.

Martin Chittenden, second son of Thomas Chittenden, was born at Salisbury, Conn., March 12, 1769. He came to Williston with his parents and was graduated from Dartmouth College in the class of 1789. For several years, he resided in Jericho and represented that town in the Legislature, 1790-98. Later he returned to Williston and for two years was its Representative in the General Assembly. He served as County Clerk for two years, Judge of the County Court for two years, and Judge of Probate for two years. He was a delegate to the Constitutional Conventions of 1791 and 1793. He was a member of Congress for ten years, 1803-13, and Governor of the State in 1813 and 1814. He died September 5, 1840.

Israel Smith, who had served in the national House of Representatives for several terms, a Jeffersonian Republican, was elected to the Senate to succeed Judge Chipman, receiving on joint ballot 111 votes, while Abel Spencer of Rutland, his opponent, received 84 votes. In his inaugural address, Governor Tichenor spoke at

length on the evil effects of extreme partisanship, calling attention to the fact, that even the wisdom, virtue, and lifelong service of Washington "did not shield him and his measures from its malignant effects." He added: "Those men, therefore, who, from a spirit of party or personal aggrandizement, labor to divide and inflame one part of the community against the other, whatever motive and principles they may avow, are the greatest enemies to our republican Constitution and form of government. \* \* \* If under any pretence or violence of parties, the Federal Constitution should be destroyed, perverted or essentially altered, we may discover our error and ruin in the same disastrous period." This was an era of bitter partisanship, and Governor Tichenor's warning of the danger of the Nation and its Constitution was something more than a rhetorical phrase. The Governor, himself, was fiercely attacked by his powerful political enemies, and spoke, no doubt, from personal experience. The reply of the Assembly, controlled by the Governor's opponents, was adopted by a vote of 93 to 85.

The legislative session was held at Burlington, Abel Spencer being elected Speaker. The Congressional districts were divided as follows: the Southwestern to include the counties of Bennington and Rutland; the Southeastern, the counties of Windham and Windsor; the Northeastern, the counties of Orleans, Essex, Caledonia and Orange; the Northwestern, the counties of Franklin, Chittenden and Addison. The act provided that the county clerks should meet at Manchester, Chester, Danville and Burlington, respectively, to sort and

count the votes and declare the result of the elections. During this session, a law was enacted requiring licenses for the retailing of wines and foreign distilled spirituous liquors. Grand Isle county was organized, a petition having been received from the five towns included, praying for a separate county organization, because the islands being separated by the waters of Lake Champlain, "the ferries are wide and the winds often so tempestuous that a passage is impossible for several days together," and there were "several other inconveniences." Zaccheus Peaslee, Samuel Hickok and their associates were given the exclusive right to erect a wharf at Burlington Bay.

In 1803, Governor Tichenor was reelected by 2,186 majority over Jonathan Robinson. The Republicans controlled the Council and General Assembly. The Legislature met at Westminster and elected Theophilus Harrington of Clarendon, Speaker. In his inaugural address, Governor Tichenor again pleaded for military equipment, alluding to the militia as follows: "They are respectable for numbers; they are brave; they inherit the spirit of their fathers. To preserve this spirit they must be well armed and equipped. This cannot be effected without legislative aid. Our safety and freedom essentially depend on this class of our fellow citizens. It is our highest interest as a Nation to ingraft the character of the soldier on the citizen, and to cherish that spirit, which gave us independence. It will be a sure and cheap defence."

By vote of the Legislature, the flag of the Vermont militia was declared to be seventeen stripes, alternate



red and white, and seventeen stars in a blue field, with the word Vermont in capital letters above the stripes and stars. During the session, the Governor and Council refused to concur in a bill incorporating a bank at Windsor. Among the reasons for non-concurrence, as reported by Nathaniel Niles for the committee, were the following: "Because bank bills, being regarded as money, and money, like water, always seeking level, the bills put into circulation within this State must displace nearly the same sum of money now in circulation among us and by driving it into the seaports, facilitate its exportation to foreign countries. \* \* \* Because by introducing a more extensive credit, the tendency of banks would be to palsy the vigor of industry, and to stupefy the vigilance of economy, the only two honest, general and sure sources of wealth. \* \* \* Because banks, by facilitating enterprises, both hazardous and unjustifiable, are natural sources of all that class of vices which arise from the gambling system, and which cannot fail to act as sure and fatal though slow poisons to the republic in which they exist. \* \* \* Because banks have a violent tendency in their natural operation to draw into the hands of the few a large proportion of the property, at present, fortunately, diffused among the many. \* \* \* Because, as banks will credit none but persons of affluence, those who are in the greatest need of help cannot expect to be directly accommodated by them. \* \* \* Because by the establishment government will, in our opinion, go further than could have been contemplated in its original institution."

Col. Joseph Fay died in New York City, on October 26, 1803, of yellow fever. He was secretary of the Council of Safety from September, 1777, to March, 1788, and was associated with Ira Allen in the Haldimand Negotiations. He removed to New York in 1794, where he conducted a mercantile business.

Senator DeWitt Clinton of New York, in October, 1803, proposed an amendment to the Constitution of the United States requiring Presidential Electors to discriminate between candidates for President and Vice President. The proposal grew out of the close contest between Jefferson and Burr, when the election was thrown into the House of Representatives. Senator Bradley of Vermont offered two amendments, one relating to the form of the resolution and the other requiring a majority vote for the election of Vice President, and in the event that such a majority could not be secured, the choice should be left to the Senate. The resolution and amendments were referred to a committee of which Mr. Bradley was a member. On November 24, the proposed amendment being before the Senate, Mr. Bradley declared that he was desirous "that he who is to be set up as a candidate for Vice President should, as at present, be equally respectable (as the President), or that there should be none—that at least he should be the second man in the Nation." He moved to strike out a portion of the amendment. As finally adopted, provision was made that a majority vote of the Electors should be necessary for the choice of a Vice President. This proposal of amendment was considered by the Vermont Legislature at an adjourned session, which con-

vened at Windsor, January 29, 1804. Congressman James Elliot sent a letter addressed to the Governor setting forth his reasons for voting against the amendment. The Council, however, unanimously voted in favor of ratification. In the Assembly, Mr. Olin asserted that the amendment was agreed to in Congress by less than the constitutional majority, and, therefore, was not legally before the Legislature. The amendment was ratified, however, notwithstanding Mr. Olin's objection.

Although a new member, and a young man of twenty-eight years, Congressman James Elliot appears to have taken a prominent part in the House debates, speaking frequently. He supported the resolution giving authority to carry the Louisiana Treaty into effect and opposed the inquiry into the official conduct of Justice Chase. When Jefferson and his party came into power, the judicial department of the government was largely in the hands of Federalists. One of President Adams' last appointments was that of John Marshall to be Chief Justice of the Supreme Court. A strong prejudice existed against the courts and various attempts were made to weaken the authority of the Judges. Marshall's powerful opinions, upholding the theory of a strong national government, were particularly offensive to the State Rights school of political thought. Attempts were made to impeach certain Judges, some of whom had been overbearing, indiscreet and offensively partisan. Judge John Pickering, brought to trial before a court of impeachment, is said to have been insane. Senator Stephen R. Bradley was one of three Republican Senators to

absent himself from the Senate Chamber when the vote was taken, which declared the Judge guilty. The next impeachment trial was that of Samuel Chase, Associate Justice of the Supreme Court of the United States. On the resolution appointing a committee of inquiry, the two Federalist members, from Vermont, William Chamberlain and Martin Chittenden, and James Elliot, Republican, voted in the negative. The only Vermont member to support it was Gideon Olin, a Republican. In the "Memoirs of John Quincy Adams," an incident is related of a group gathered before the blazing logs of the wide fireplace in the Senate Chamber, which included Senators Giles of Virginia, Adams of Massachusetts, Israel Smith of Vermont and John Randolph of Virginia, the Republican leader of the House. The topic of conversation was the approaching trial of Justice Chase, and it is said that Giles and Randolph were attempting "with excessive earnestness" to convince the Vermont Senator that the policy of ousting Judges, attempted by the majority party, was wise and just. Beveridge, relating this incident in his "Life of John Marshall," says that Senator Giles "bore down upon his mild but reluctant fellow partisan from Vermont in a manner dogmatical and peremptory." The trial was an occasion of great solemnity. The name of Senator Bradley was one of the first to be called. In describing the vote on the first article of impeachment, Beveridge says: "When the name of Stephen R. Bradley, Republican Senator from Vermont, was reached, he rose in his place and voted against conviction. The auditors were breathless and the chamber was filled with the atmosphere of suspense.



It was the first open break in the Republican ranks." Both Senators Bradley and Smith on the various articles voted for acquittal and several of their fellow Republicans voted with them. The Vermont Senators refused to allow partisanship to outweigh their honest opinions, and the failure to convict Justice Chase was a serious defeat for Jefferson and Randolph.

The elections in 1804 resulted in the choice of a Council that was unanimously Republican, and an increased majority for that party in the Legislature; but Governor Tichenor again defeated Jonathan Robinson, his majority being 2,131. Congressmen Olin (Republican) and Chittenden (Federalist) were reelected. In the Southeastern district there was no choice, but in a second election, Congressman Elliot (Republican) was reelected. Apparently, a third election was necessary in the Northeastern district. A report printed June 21, 1805, gives the vote as follows: Fisk (Republican), 1,205; Chamberlain (Federalist), 1,203; S. C. Crafts (Republican), 38; scattering, 9. At the third election, James Fisk was chosen. He was born about 1762, probably in Worcester county, Mass. A self-educated man, he chose the law for his profession and located in Barre. He represented that town in the Legislature from 1800 to 1805, in 1809 and 1810 and again in 1815. In 1802 and 1809, he was Judge of Orange County Court. He was a delegate to the Constitutional Convention in 1814 and a Judge of the Supreme Court in 1815 and 1816. He served in the United States Senate in 1817 and 1818, resigning to accept the office of Collector of Customs for the district of Vermont. President Madison appointed

him Judge of the Territory of Indiana in 1812, but he declined the position. He died at Swanton, December 1, 1844.

The Presidential Electors chosen were Josiah Wright of Pownal, Nathaniel Niles of West Fairlee, Samuel Shaw of Castleton, William Hunter of Windsor, Ezra Butler of Waterbury and John Noyes of Guilford. The vote of Vermont was cast for Thomas Jefferson and Rufus King.

The Legislature met at Rutland and Aaron Leland of Chester was elected Speaker. Governor Tichenor was escorted into town by a company of cavalry. In his inaugural address, the Governor referred to the need of investigating the northern boundary line of the State. In 1767 the line between New York and Canada was surveyed, the latitude of 45 degrees being ascertained by astronomical calculation, and a monument was established where the line crosses Lake Champlain. Afterward a line was run to the Connecticut River by a Mr. Collins. The Governor suggested the advisability of a choice of Presidential Electors by the freemen rather than by the General Assembly. He called attention to certain resolutions of the Massachusetts Legislature, transmitted by Governor Strong, proposing an amendment to the Federal Constitution, which would exclude from the basis of representation in Congress three-fifths of the slave population, making the number of Congressmen and Presidential Electors depend entirely upon the number of free persons. The Massachusetts resolutions pointed out the danger that the influence of the Eastern States might be destroyed by the opening of the exten-

sive Louisiana Territory to slave labor, and a representation based in part upon slave population. Governor Tichenor was very cautious in his comments upon these resolutions.

In the legislative reply to the Governor's speech, the portion dealing with this matter says: "We reciprocate your wish that slavery were abolished, and had no influence in the making of laws to bind the freemen of our free State. Yet we realize the importance of preserving entire those principles which were the foundation of our Federal compact, unless those principles are relinquished by those States in the Union whose interests claim their existence." The resolutions were adversely reported and after a lengthy debate, this report was accepted by a vote of 106 to 76. The division was substantially along party lines. In the Presidential election of 1800, most of the electoral votes for Jefferson came from slave States, while all but twelve of the votes for Adams came from free States.

During this session, a petition was received from an aged Caughnawaga Indian known as Capt. John Vincent, asking for assistance. It is claimed that he formed the ambuscade that resulted in disaster and death for General Braddock, and that several of his young warriors tried unsuccessfully to shoot George Washington. At the opening of the Revolutionary War, however, he joined the American forces, guiding Arnold's troops through the Maine wilderness in the Canadian expedition against Quebec. He received a Captain's commission from Washington and served under Gates in the campaign which resulted in the capture of Burgoyne.

Among his possessions was a coat presented by General Washington. For some time, he made his home in the mountains of Sherburne. The sum of twenty-five dollars was appropriated as a pension, the amount being increased from year to year to sixty dollars. He died at Mendon, in 1810, aged ninety-five years.

In the fall of 1805, Governor Tichenor again was reelected, defeating Jonathan Robinson. The Council and House remained Republican. The Legislature met at Danville and Aaron Leland was elected Speaker, defeating Lewis R. Morris, the Federalist candidate, by a vote of 110 to 71. In his inaugural address, Governor Tichenor alluded to the exploits in Tripoli, of General Eaton, formerly a citizen of Vermont. Attention was called to proposed amendments to the Constitution transmitted, respectively, by the Governors of Kentucky, Pennsylvania, North Carolina and Massachusetts. The proposal of Kentucky and Pennsylvania to abridge the power of the national judiciary did not meet with the Governor's approval. Referring to the amendment proposed by North Carolina and adopted by Massachusetts, designed to stop the importation of slaves, he said: "It cannot, I flatter myself, be necessary that I should impress on your minds that the genius of universal emancipation ought to be cherished by Americans; that there is no complexion incompatible with freedom; and that we owe to the character of our country, in the abstract and the laws of our country, our best endeavor to repress that impious and immoral traffic."

The amendment relative to the courts was postponed to the next session, while the proposal to end the slave



trade was concurred in without opposition. In the formal reply of the Legislature to Governor Tichenor's speech, Republicans and Federalists united in declaring that "Universal freedom is one of those fundamental principles of our political institutions which are engraven on the mind and live in the affections of every true American. And, although our country is already infested with slavery, the toleration of which might seem to contravene the general system of our policy, we trust that the humanity and justice of our country will prevent the increase of the deprecated evil, and arrest, as soon as possible, that execrable traffic in human flesh." There never was any doubt in regard to Vermont's attitude toward slavery and the slave traffic. The State was the first of American commonwealths to embody in its Constitution a clause forbidding slavery. While it is not literally true, perhaps, to assert that no Negroes ever were held in involuntary servitude in Vermont, for there seem to have been isolated instances of this kind during the early years of Statehood, they were few, the alleged ownership was illegal, and to a vast majority of the people slavery was abhorrent.

During the legislative session of 1806, the Kentucky resolutions, relative to excluding the Federal courts from jurisdiction in certain cases, were approved by a vote of 148 to 34.

The subject of the northern boundary was one of the important measures to be considered by the Legislature of 1805. William Coit of Burlington, in 1796, had asserted his belief that the boundary line ran south of the forty-fifth parallel of latitude and that a readjust-

ment of the boundary would add some territory to the jurisdiction of Vermont. Governor Tichenor wrote to Gen. Philip Schuyler, who had been one of the boundary commissioners in 1766, asking for information. General Schuyler replied that in September, 1766, Governor Sir Henry Moore, Professor Harper of the "College at New York" and General Schuyler, on the part of New York; and Lieutenant Governor Ervin, Surveyor General Collins and Marquis de Laboneer, an engineer, representing Canada, met at Isle La Motte in Lake Champlain. Stellar and solar observations were made and a monument was erected to mark the boundary. The parallel was extended only to Missisquoi Bay, owing to the swampy nature of the ground near the boundary, but it was agreed that surveyors should be appointed to extend the line westward to the St. Lawrence River and eastward to the Connecticut River. The survey to the St. Lawrence was made by a Mr. Valentine, but General Schuyler thought it probable that the eastern survey never was made. This letter was referred to a legislative committee.

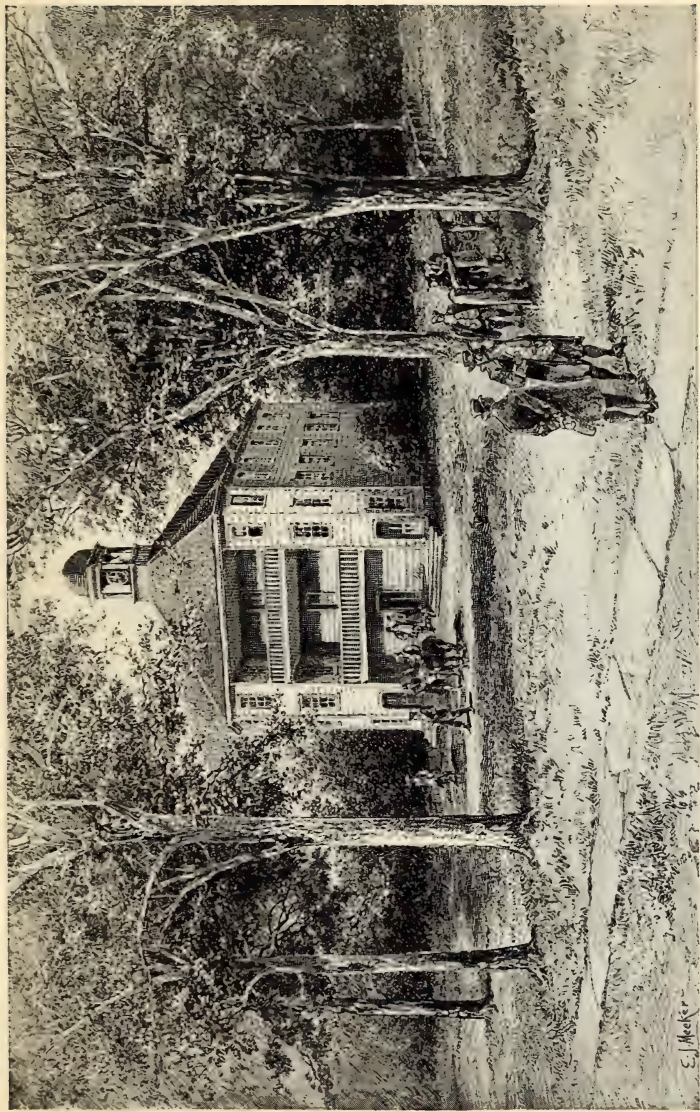
That portion of Governor Tichenor's message of 1805, relating to the northern boundary, was referred to a committee consisting of Lewis R. Morris, Nathaniel Chipman and Asa Lyon, which reported a bill authorizing the Governor to appoint some competent person to ascertain by celestial observation where the forty-fifth degree of north latitude crossed Lake Memphremagog and intersected the Connecticut River. This bill became a law and the Governor appointed Rev. Samuel Williams of Rutland to make the necessary observations. He

reported, in 1806, that the northern line had not been run in a straight direction; that the monument at Lake Champlain marking the boundary was not in the latitude of forty-five degrees; that the boundary line ought to be thirteen and three-fourths miles farther north at the Connecticut River and seven miles and seventy-one rods farther north at Lake Memphremagog, amounting to about seventeen and one-half townships. A resolution was adopted requesting the Governor and Council to transmit to the President of the United States and the Governor of New York the information obtained, and asking the National Government to take proper measures to ascertain and fix the northern boundary.

For the first three decades of its existence, the State government had no permanent abiding place, sessions of the Legislature being held in the larger villages of the State. In 1791, an act was passed designating Windsor and Rutland alternately as meeting places for the Legislature for the space of eight years. Rutland erected a building for this purpose, but Windsor utilized the meeting house. In 1796, the act of 1791 to which reference has been made, was repealed, and the State government resumed its roving policy. In 1803, James Fisk of Barre offered a resolution which was adopted, providing for the appointment of one member from each county, to join a committee from the Council, the duty of this joint committee being "to take into consideration the expediency of the measure of establishing a permanent seat for the Legislature, and report by bill or otherwise." The committee appointed on the part of the House consisted of Solomon Wright of Pownal, Samuel Porter of

Dummerston, Samuel Shaw of Castleton, William Perry of Hartford, Amos Marsh of Vergennes, Thomas Porter of Vershire, Udney Hay of Underhill, Reuben Blanchard of Peacham, Benjamin Holmes of Georgia, Samuel C. Crafts of Craftsbury and Daniel Dana of Guildhall. Representatives of the Council were Lieutenant Governor Brigham and Noah Chittenden of Jericho, James Witherell of Fair Haven and Eliakim Spooner of Weathersfield. This committee reporting through Lieutenant Governor Brigham, recommended that a committee should be chosen consisting of one member from each county nominated at conventions after the manner of county officers, "for the purpose of examining and fixing upon the most proper place for a permanent seat of government, and to report at the next session of the Legislature." This resolution was adopted and members of the committee were nominated, and appointed by the General Assembly, as follows: Addison county, John S. Larrabee; Bennington county, Jonas Galusha; Caledonia county, James Whitelaw; Chittenden county, Noah Chittenden; Essex county, Daniel Dana; Franklin county, Stephen House; Orange county, James Fisk; Orleans county, Timothy Hinman; Rutland county, Arunah W. Hyde; Windham county, Arad Hunt; Windsor county, Benjamin Emmons. In November, 1803, a bill appointing this committee "to fix a place for a permanent seat for the Legislature" passed the Assembly without division but was not acted upon by the Governor and Council. At the legislative session of 1804, the bill was referred to a committee consisting of William C. Harrington of Burlington, Elihu





The First State House at Montpelier, built in 1806-07. This wooden structure was replaced by a granite building in 1836



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Luce of Hartland and Daniel Chipman of Middlebury, which reported a new bill, appointing a committee "to ascertain the most convenient place for a permanent seat of government." Following the procrastinating habits of other legislative bodies, which hesitate at times to take positive action on important matters, the bill was referred to the next session.

In 1805, the bill was referred to a new committee, consisting of Edmund Graves of Sunderland, Lemuel Whitney of Brattleboro, Nathaniel Chipman of Tinmouth, Pascal P. Enos of Windsor, Reuben Saxton of Salisbury, Jedediah P. Buckingham of Thetford, Nehemiah Perkins of Stowe, William Chamberlain of Peacham, John White, Jr., of Georgia, Samuel C. Crafts of Craftsbury and Haines French of Maidstone. Nathaniel Niles of West Fairlee and John White of Georgia were added to the committee as representatives of the Council. On October 26, this committee reported that its members "are unanimously agreed on the expediency of the measure of fixing a permanent seat and that they have also agreed on the town of Montpelier as being the most convenient place for the accommodation of the State at large." On November 5, Lewis R. Morris of Springfield, John White, Jr., of Georgia and Dudley Chase of Randolph were appointed a committee to report a bill and on the following day such a measure was presented, "establishing the permanent seat of the Legislature at Montpelier." This bill was passed on November 7 without a division of the House on a roll call. On November 8, it was returned from the Governor and Council with proposals of amendment, which

were concurred in, and on the same day the bill was signed by the Governor and became a law. After numerous postponements and consideration by various committees, it was passed with surprisingly little opposition, when it is considered that the location of a State capital often arouses bitter contention.

The bill provided that Elijah Paine of Williamstown, Ezra Butler of Waterbury and James Whitelaw of Rye-gate, three of Vermont's eminent men, should constitute a committee to select a site and prepare plans "for the erection of buildings for the accommodations of the Legislature." It was stipulated that "the town of Montpelier or other individual persons," before September 1, 1808, should erect a building for the use of the State acceptable to the committee appointed, compensate the members of the committee for their services, convey the title to the buildings and the land on which they were erected to the State and deposit the deed to the same in the Secretary of State's office; "and in that case said buildings shall become the permanent seat of the Legislature, for holding all their sessions." It was further provided that if any future Legislature should cease to hold its sessions in Montpelier, then the persons who erected the State buildings and conveyed the land on which they stood, should be entitled to receive from the State treasury the full value of the same, as fairly appraised.

Montpelier, then included in Chittenden county, was a town of about 1,200 population. In 1791, it contained only 113 inhabitants and in 1800 it had a population of 890. The town acted promptly, following the passage



of the bill establishing the seat of government, and on November 25, 1805, at a meeting legally called, appointed a committee consisting of Thomas Davis, George B. R. Gove and Ebenezer Morse, to receive subscriptions and donations and to superintend the erection of State buildings. The next year Mr. Gove retired and Dr. James H. Bradford, Parley Davis and Capt. David Harrington were added to the committee. The individual subscriptions received amounted to \$6,138.88. More money being needed, particularly for the purchase of glass and nails, a town meeting was held on May 12, 1807, and a tax of four cents on the dollar of the \*grand list, which was \$23,569.91, was voted, raising \$942.79. Dr. James H. Bradford was excused from further service as a member of the committee and Josiah Wing was chosen as his successor. Two-thirds of the tax voted might be paid in grain, butter or cheese, at the cash price, payable before October 1; and one-third payable in specie or current bank bills, before November 1. The land for the State buildings was given by its owner, Thomas Davis, second son of Col. Jacob Davis, the first permanent settler of Montpelier. The value of this site was estimated at \$2,000, making the total amount contributed or raised by taxation for the buildings, \$9,081.67, but this sum did not represent all that was given for this purpose.

Deacon Sylvanus Baldwin was the architect and builder of the first State House. The dimensions, as given in early reports, describe a structure fifty feet

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\*The grand list is found by taking one per cent of the assessed valuation of taxable property, to which is added the value of the poll tax of citizens.

wide by seventy feet long, and thirty-six feet high. The building was of wood, three stories in height. The roof was surmounted by a modest cupola in which was an excellent bell. About twenty feet of the front of the building was divided into three floors, the first being the vestibule to the Representatives' Hall, and the second, the entrance to the House gallery. The legislative hall occupied the north end of the building, and rose to a height of two stories. There were two rows of columns, extending through the hall and supporting the third floor of the building. They were squared and cased, and the bases rose to the tops of the backs of the lowest tier of seats, and were ornamented with capitals considered elaborate at that time. The straight backed seats and desks were made of pine planks, which, in process of time were almost whittled out of existence by members, a fate similar to that which befell many old-time school houses. A large stove in front of the Speaker's desk warmed the hall. A chandelier, suspended in the center of the hall, consisting of hundreds of glass prisms, reflected the light of numerous candles. This ornate decoration was in strong contrast to the plain pine benches and was censured as a piece of "foolery" by one of the veteran legislators. On each of the front corners was a square, tower-like room, containing a winding stairway leading to the third floor. Between these corner towers were balconies, which made a covered entrance for the building. The Council chamber was in the southeastern corner of the third story and a bar separated the seats provided for the Council from the portion of the room set apart for spectators. The

greater part of the third floor consisted of a large room used for canvassing committees and caucuses, known as Jefferson Hall, a name which reflected the political belief of a majority of Vermonters at that time.

Montpelier did not retain the seat of government without contests from time to time. In 1812, a committee was appointed to consider proposals for holding legislative sessions "alternately on each side of the mountain." In 1813, this committee reported that the citizens of Vergennes offered to furnish the State with a commodious house for legislative sessions, furnished with as many good stoves as might be necessary "for the convenience and accommodation" of legislators; and to pay the State Treasurer a sum equal to half the value of the Montpelier State House. Windsor and Burlington made similar offers, although it is not recorded that they held out the inducement of an unlimited number of stoves. The committee reported, however, that in its opinion the removal of the seat of government was "inexpedient and improper"; and the House accepted the report by a vote of 121 to 55. In 1815, Mr. Clark of Middletown brought forward a resolution providing for the removal of the permanent seat of the Legislature from Montpelier, legislative sessions to be held alternately at Windsor and Burlington. This resolution was adopted by the House without a division, but the Council did not vote to concur. From time to time for a hundred years or more, attempts have been made to change the location of the State capital. Sometimes these efforts have been formidable, but they have never succeeded. Montpelier is centrally located

and its citizens have been noted for their public spirit. They have always been generous in contributions for State buildings and other public purposes and no strong and compelling reasons are apparent for such removal.

In October, 1805, the Republicans or Jeffersonians, held a caucus, a custom they had followed for several years, and decided to support Senator Israel Smith as the party candidate for Governor in 1806. A bitter attack was made upon Governor Tichenor, who was a candidate for reelection. After an unusually vigorous campaign, Tichenor was successful in the fall elections of 1806, receiving 8,851 votes, while Senator Smith had a total of 6,930, with 320 scattering votes reported. All the rest of the State ticket, the Assembly, the Council and Council of Censors, were won by the administration party. The Governor's political opponents were greatly chagrined that he should continue to be reelected, year after year, when on all other issues Vermont was a Jeffersonian State. The party newspapers reflect the exasperation which the Republicans felt. Governor Tichenor was a man of extraordinary ability, and great personal popularity. He traveled about the State frequently, and so persuasive and winning were his manners that he made and held hosts of friends in the ranks of the opposition party. Probably Vermont never developed a more successful vote winner among her leaders than Isaac Tichenor.

Congressman Martin Chittenden was reelected over Ezra Butler by 208 majority. Congressmen Elliot and Fisk were reelected, the former by 600 and the latter by 700 majority. In the Southwestern district, James



Witherell of Fair Haven defeated Jonas Galusha. The new Congressman was born at Mansfield, Mass., June 16, 1759. At the age of sixteen, he enlisted in the American army and served through the Revolutionary War, from the siege of Boston until the army was disbanded. He participated in many battles, was wounded once and received a commission in a Continental regiment. It is related that when he left the service in 1783, he had seventy dollars in Continental money. With this he treated a brother officer to a bowl of punch and started upon his civil career penniless. He studied medicine and located at Fair Haven, Vt., in 1789, where he practiced his profession. He was a friend and political associate of Matthew Lyon. From 1798 until 1802, he was a member of the General Assembly, and from 1802 to 1807, a member of the Governor's Council. Before his Congressional term expired, he was appointed by President Jefferson a Judge for Michigan Territory. During the War of 1812, he entered the military service. When Detroit was taken by the British, Judge Witherell refused to surrender a corps which he commanded and was taken prisoner, with his son and a son-in-law. After the war, he resumed his judicial office, which he held for many years. He was made Secretary of the Territory by President John Quincy Adams. He died in Detroit, January 9, 1838.

Stephen R. Bradley was reelected United States Senator for a term of six years. The Council of Censors was composed of Apollos Austin of Orwell, Ezra Butler of Waterbury, Loyal Case of Middlebury, Isaac Clark of Castleton, Isaiah Fisk of Lyndon, Thomas Gross of

Hartford, Udney Hay of Underhill, William Hunter of Windsor, Samuel Huntington of Shaftsbury, John Noyes of Brattleboro, Moses Robinson of Bennington, Mark Richards of Westminster and James Tarbox of Randolph. The Council met at Woodstock in December, 1806, Moses Robinson presiding. It was decided that conditions did not warrant calling a Constitutional Convention. A lengthy protest was made against the act of 1800 relating to the support of clergymen and the building of meeting houses, which was said to be contrary to the Bill of Rights. Objection also was made to a law compelling an alien or a stranger to remain three years in the State before the rights of citizenship could be acquired. It was asserted that the law against intemperance was not well enforced.

The Legislature met at Middlebury and Aaron Leland of Chester was reelected Speaker. A resolution was adopted providing for a joint committee to consider the propriety of passing a law to prevent the transportation from Vermont by "evil minded persons" of Negro minors, and selling the same as slaves in States where slavery was permitted. The Vermont Agricultural Society was incorporated at this session.

On November 10, a bill establishing a State bank, introduced by Titus Hutchinson of Woodstock, became a law. As originally passed by the House, branch banks were established at Woodstock and Burlington, but the Council substituted Middlebury for Burlington. Provision was made for the election of thirteen directors in joint legislative assembly. No bank bills could be issued for circulation in excess of the actual deposit of

gold, silver and copper coins until the deposits should reach twenty-five thousand dollars, after which bills might be issued to three times the amount of such deposit, but not in excess of three hundred thousand dollars.

The first directors, most of them wealthy and successful business men, were David Robinson of Bennington, Apollos Austin of Orwell, Horatio Seymour, Daniel Chipman and John Willard of Middlebury, William C. Harrington of Burlington, John Mattocks of Peacham, James Tarbox of Randolph, Titus Hutchinson and Benjamin Swan of Woodstock, Elias Lyman of Hartford, Alexander Campbell of Rockingham and Mark Richards of Westminster. Titus Hutchinson was elected president and the first bills were issued February 23, 1807.

The Legislature of 1807 established additional branches at Burlington and Westminster. The State Treasurer was directed to deposit all State revenues in the bank. Later sessions made the bank bills receivable for land taxes and State taxes. A safer currency was furnished to the people of the State, but hostile legislation and failure of banks in neighboring States handicapped the institution. The embargo and non-intercourse acts were disastrous to business. Finally, in November, 1812, an act was passed providing for closing the business of the bank.

In November, 1806, a legislative committee was appointed to draft an address to President Jefferson, which contained the following paragraph: "We will not, Sir, conceal our regret, arising from rumors which have reached us, calculated to excite the belief that it is

your wish to withdraw from the public service at the close of the period for which you were last elected Chief Magistrate of the Union. We venture to hope that the insinuation is unauthorized, and to express a wish that in full possession of faculty and talent, you will not refuse the citizens the benefits arising from long political experience, and deprive them of the full opportunity of exercising their choice and judgment in selecting their President from the whole number of the people." This address was adopted without opposition from the Federalists.

The President waited more than a year before he replied to this address, excusing his delay by explaining that he wished to avoid a premature agitation of the public mind. In his reply he said: "That I should lay down my charge at a proper period is as much a duty as to have borne it faithfully. If some termination to the services of a Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will, in fact, become for life; and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office." Several other Legislatures forwarded similar addresses, but Vermont seems to have



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led the way, and the reply to each of these was similar to that addressed to the Vermont Legislature.

The Jeffersonian Republicans were finally able, in 1807, to defeat Governor Tichenor, United States Senator Israel Smith being the successful candidate. The vote was as follows: Smith, 9,903; Tichenor, 8,571; scattering, 213. The Governor-elect resigned his seat in the Senate and Jonathan Robinson of Bennington was elected as his successor, although a majority of the votes in the Council were cast for Jonas Galusha of Shaftsbury. Jonathan Robinson was born in Hardwick, Mass., August 11, 1756, being the youngest son of Samuel Robinson, the founder of Bennington, and a brother of Gov. Moses Robinson. He came to Vermont with his father's family in 1761, studied law and was admitted to the bar in 1793. He represented Bennington in the Legislature from 1789 to 1795, again from 1797 to 1800 and in 1818, and was Chief Judge of the Supreme Court from 1801 to 1807. He completed Senator Smith's term in the Senate and served a full term thereafter. He was a man of pleasant manners, with a talent for political management. He is said to have been close to President Madison and to have had to a considerable extent, the distribution of official patronage and army appointments in Vermont. During the War of 1812, the army patronage was large. His colleague, Senator Bradley, was not a thick and thin party man. After Senator Robinson retired from Congress, he held the office of Judge of Probate for four years. He died November 3, 1819.

The Legislature held its session at Woodstock, in 1807, and Aaron Leland was reelected Speaker. In his inaugural address Governor Smith referred to the need of a State Prison and the Legislature passed an act, by a vote of 121 to 40, laying a tax of one cent on each acre of land in the State to defray the expense of erecting a prison building. Commissioners were appointed and the State Prison was located at Windsor. The design called for a building of hewn stone, three stories in height, eighty-five feet long and thirty-six feet wide, designed to accommodate one hundred and seventy prisoners. This prison was first used in 1809. For thirty years prisoners had been whipped, branded, confined in the stocks, banished, bound out to service, fined, their property confiscated, or they were imprisoned in common jails. The objection to the erection of a State Prison was the cost in a State sparsely populated, and the difficulty of finding a location where remunerative labor could be secured.

The opposition of the Jefferson administration to the Federal judiciary is reflected in resolutions introduced in the Vermont Legislature during the session of 1807 by William C. Bradley, the substance of which is embodied in the following: "Resolved, That the Senators in Congress from this State be and they are hereby instructed, and our Representatives in Congress are also requested, to use their best endeavors to procure such an amendment to the Constitution of the United States as will empower the President of the United States to remove from office any of the Judges of the courts of the United States, upon address to him made for that pur-

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pose by a majority of the House of Representatives and two-thirds of the Senate, in Congress assembled." The resolutions were adopted and copies were sent to the Governor of each State with the request that they be laid before the several Legislatures for their consideration. In 1808 the Governor was notified that Delaware and Virginia had rejected the proposed amendment. It was fortunate indeed for Vermont that this State did not initiate a successful movement to make the judicial department of the National Government subject to the executive and legislative departments.

In 1793 and again in 1794, committees were appointed by the Vermont Legislature to devise means for supplying the State militia with arms, but they accomplished nothing. Governor Chittenden, having called into conference a number of militia officers, including Gen. Jonathan Spafford of Williston and Col. Martin Chittenden of Jericho, found the troops so deficient in equipment that he applied to General Knox, Secretary of War, for arms from United States arsenals, but was unable to secure them. Early in 1794 there appeared to be danger of an outbreak of hostilities with Great Britain, and President Washington, through the Secretary of State, requested Governor Chittenden to obtain information concerning political conditions in Canada, and transmit the same to him. The Governor proposed to Ira Allen that he should go into Canada for that purpose. Allen declined to undertake this task, but agreed to write to some prominent Canadians whom he knew. Accordingly he wrote to several residents of the province, among them Hon. Justus Sherwood and Colonel Writer,

who commanded that part of the Canadian militia stationed north of Vermont. The latter sent four officers to confer with General Allen at Swanton. At this conference it was suggested that in the event of war no scouting or plundering parties should be permitted to cross the international boundary line in either direction.

During the same year, 1794, Ira Allen, who was senior Major General of the Vermont militia, made an unsuccessful attempt to purchase arms in Boston. At this time General Allen was one of the most active business men in Vermont, and, probably, the largest landed proprietor in the State. According to his own statement he owned more than two hundred thousand acres of land in the northern part of Vermont, extending for fifty miles along Lake Champlain and embracing the greater part of eleven townships, with holdings in other towns. On his property had been erected seven saw mills, three corn mills, iron foundries, houses and barns. For several years he had endeavored to promote the idea of building a canal which should connect the St. Lawrence River and Lake Champlain. General Haldimand, Governor of Canada, had granted permission for a survey, and it was made in 1785 by Captain Twist, the provincial engineer. Such a canal would have made Lake Champlain a great highway of commerce and, incidentally, would have increased the value of General Allen's lands. He decided, therefore, to go to England, for three distinct purposes. The first was to endeavor to persuade the British Government to take up his canal project. He declared that with such a waterway he



could ship annually to London masts, spars and deal boards valued at more than ten thousand pounds, as he owned more than ten thousand acres covered with pine timber.

The second was to purchase arms and other implements of war for the Vermont militia under authority conferred upon him by Governor Chittenden. The third was to establish mercantile connections in Europe "in favor of some young friends," among them a nephew, John Allen Finch, after which he proposed to retire from active business.

He sailed from Boston, December 1, 1795, on the ship *Minerva*, in company with John A. Graham, formerly of Governor Chittenden's staff. He took with him about fifteen hundred pounds sterling in bills of exchange, and about two thousand pounds sterling in gold concealed in the false bottom of a trunk. He had given a deed to Gen. William Hull of Boston of his real estate in the towns of Shelburne, Burlington, Colchester, Essex and Georgia to raise this sum, expecting to redeem the property later. The ship reached England on January 2, 1796, and General Allen proceeded to London. After considerable delay he obtained an interview with the Duke of Portland, one of the Secretaries of State, concerning the canal project in which he was interested, but received no encouragement that aid would be forthcoming. During the spring of 1796 he visited Manchester, Liverpool and Leeds, where he purchased linens, calicoes and hosiery, valued at more than two hundred pounds, and shipped the goods to his nephew in Boston. He found that he could not purchase arms for export

from England without an order from the King in Council and this was difficult to obtain. Being informed that arms were cheaper in France, he went to Paris in May, 1796. A great quantity of arms had been captured from the enemies of France, which were offered for sale at a moderate price, as they were considered unfit for the French armies. On July 1 he signed a contract with the Minister of War for twenty thousand stands of arms and twenty-two brass four-pounders, to be delivered at Ostend. He then returned to London, where he contracted with a dealer for a large quantity of military feathers, which were shipped to New York. Having been informed that the Boston merchant with whom he had made arrangements to take his cargo of arms to America would be unable to undertake the task, while in London he requested a ship master to charter a ship for him. The *Olive Branch* was secured and loaded at Ostend. As two English frigates were cruising off the port, and it was apparent that they might try to capture the ship, General Allen secured paints and brushes and "changed two streaks on the sides of the ship to new and brilliant colors," being able to pass several ships of war without being recognized. Evidently camouflaged ships were in use long before the World War.

The *Olive Branch* sailed from the port of Ostend on November 12, with General Allen on board. One week later, on November 19, she was seized by His Majesty's ship of war *Audacious*, about eighty leagues off the Scilly Islands, and ship and cargo were taken to Portsmouth. The cargo was libelled in the High Court of Admiralty and February 24, 1797, General Allen entered

a claim that the arms seized were his private property. On June 13, 1797, a hearing was held before Sir James Marriot, Judge of the Admiralty Court. The Judge abused the claimant, and in a statement which seems to have been strongly prejudiced, hinted at some illegal understanding with France. His type of mind is indicated by a sneering comment on the Vermont seal, which was attached to Allen's passports. The Judge said: "Now there is a singular circumstance as to the seal of Vermont, it strikes my idea, and shows the character of the people of Vermont. There is in that seal annexed to one of the affidavits—there are the other colonies represented by a number of small trees, and there is the Colony of Vermont like a great tree in the middle, and Mr. Allen, I suppose, is to be the Caesar, the Buonaparte of America." General Allen's claim was admitted, but the Judge demanded that additional proof of the property be produced, and on July 5 asked for still further proof. Twice a petition to deliver the cargo on bail was refused.

Letters had been sent to Vermont, asking for documentary evidence, and Mrs. Allen was able to secure for her husband depositions from Governor Chittenden and General Spafford stating that General Allen was requested to purchase arms for the State. One of Governor Chittenden's last official acts, less than four months before his death, was the writing of letters on April 29, 1797, to Senators Elijah Paine and Isaac Tichenor and Congressman Matthew Lyon, in behalf of his long-time associate, asking them to request the British Minister, Mr. Liston, to use his good offices in behalf of General Allen, assuring him that the arms were purchased at the

Governor's request for the Vermont militia. Senator Tichenor sent copies of the letters to Timothy Pickering, the Secretary of State, who certified to the facts. The British Minister wrote to London, favoring the return of the cargo of the *Olive Branch*. President Adams also requested that proper measures be taken to secure the restoration of the property seized and Rufus King, the American Minister at London, appealed to Lord Grenville.

General Allen offered to sell the cargo of arms to the British Government at a fair price, or to transfer the property to citizens of the United States residing in London with the understanding that the property should be consigned to Gov. John Jay of New York, to be held by him until a statement of the deficiencies of arms in the militia of Vermont should be made by the Governor and Legislature of that State. The arms should then be distributed in accordance with this report, and if any arms remained they should be furnished to Clinton and Washington counties in the State of New York.

On August 18, 1797, Lord Grenville informed the American Minister that the captors of the arms found on the *Olive Branch*, having refused to consent to their delivery to the claimant on bail, and the Judge of the Court of Admiralty having made a decree against such delivery, it was impossible for His Majesty's Government to interfere in the case.

In order to prevent a sale of General Allen's property, the case was taken to the Lords' Commissioners of Appeals in Prize Causes. The case was argued March 30, 1798. Sir William Scott, King's Advocate,



alluded to the proximity of Vermont to Canada, the assertion that the arms were intended for Ireland apparently having been abandoned, saying: "In Vermont there has always been a party of men full of the disorganizing spirit which has troubled Europe, and made its eruptions (irruptions) into other parts of the world." Sir Thomas Erskine, afterward Lord Chancellor, and Dr. John Nicholl made logical and powerful arguments in behalf of General Allen. The decision of the court was to pronounce for the appellant, reversing the sentence, but decreeing that the third article of the allegation should be reformed by pleading more fully the purchase and payment of deposit for the arms in question.

During his enforced stay in England General Allen had written a "History of Vermont" and had published the first edition of "The Capture of the Olive Branch." His health having been injured in the heavy smoke of London he was obliged to leave that city for a short time. He was almost destitute of money and was arrested for debt, being taken to a sponging house, a place where debtors were taken before going to jail. Finally Messrs. Bird and Savage, through the solicitation of the American Minister, Mr. King, entered bail for the cargo and became responsible for the debts to the amount of two thousand pounds.

Convinced that whatever the risk, he must go to France to secure the necessary evidence, after much delay and difficulty, and the payment of passage money almost sufficient to hire the ship for his own use, he succeeded in reaching the French port of Grovelines. Here

he was detained for three months before he could secure a passport permitting him to go to Paris. Soon after his arrival at the French capital he was arrested by the police on the charge that his passports were defective and was thrown into Temple Prison. Here he was compelled for twelve nights to sleep in a dirty, unhealthy cell, like the meanest criminal, before he could get a bed, and he was denied the services of a competent physician from the city.

After a confinement of more than seven months in prison he was released, but spies followed him, and he was soon rearrested, no reason being given for his detention, and he was committed to the St. Pelagee Prison. Here he was compelled, during the coldest weather of the winter, to remain for twelve hours each night without a fire. His health was undermined by this cruel treatment. The suffering and injustice which he had been compelled to bear finally found expression in the following spirited protest, written to the Minister of Justice, from his cell in St. Pelagee Prison, August 30, 1799: "Coming into France with regular passports in consequence of previous mercantile contracts, with Government itself, I have been detained more than fifteen months, repeatedly arrested, imprisoned, etc., without any reason assigned therefor, or answer to the most pressing statements I can make, to the distress of my family, loss of contracts, derangement of business, to the injury of my property from the best estimates I can make of more than one hundred thousand guineas. From the extensive property I possessed of more than two hundred thousand acres of land, on which are many

buildings, extensive settlements, etc., I am reduced to the most pitiful necessities, in bad health, which render life doubtful in existing circumstances; my friends are not admitted to visit me; I cannot any longer obtain subsistence money. To submit to exist on the rations and clothes of a prison, my soul recoils." After asserting that the Minister of Foreign Affairs, the Minister of Police and his predecessor in office had reported that they knew nothing against him, he declared: "The united efforts of my friends are not sufficient to regain that liberty which I have often risked my life for. Under these afflicting circumstances, and being one of the oldest and tried republicans in existence, makes the idea of dying in a solitary prison more painful to a man of spirit and sensibility than death itself. I therefore demand a speedy decision in such way and manner as may be consistent with the Constitution and laws of this republic."

In a few days after this demand was presented he was released, the order being signed by President Sieyes of the Directory, and Fouche, Minister of Police. His papers were restored, and he was given a card of safety, permitting him to stay in France during his pleasure. The only reason given for his imprisonment was his voyage to England, and Allen remarks: "At this time, perhaps, no nations on earth had ever been more exasperated against each other than the French and English."

After his release from prison his health was in such a precarious condition that he was compelled to remain under the care of a physician for a considerable period. Meanwhile he was able to secure documents for which

he came to France, certifying that he had purchased arms from the French Government, the documents being signed by Talleyrand and other officials. For more than two years he had not heard from his family nor had they received any message from him, and reports were in circulation in Vermont that he was dead. When Chief Justice Oliver Ellsworth arrived in Paris, as member of a diplomatic mission, he brought letters for General Allen which contained part of the Dutch securities he had previously purchased. This paper was exchanged for specie, which enabled him to pay his debts and have funds for expenses.

As soon as his health had improved, General Allen proceeded to Calais, intending to go to London, but his experiences in passing from one belligerent country to another had been such that he considered it safer to remain on French soil, and he sent the documents he had secured to London by a ship captain, returning to Paris the latter part of July, 1800.

In October, 1800, General Allen left Paris for the United States. On his arrival at Philadelphia, in 1801, he went to Washington and paid his respects to President Adams and Secretary of State Pickering, thanking them for their attention to his cause.

The case dragged along slowly. In December, 1803, James Madison wrote to James Monroe that the delay in General Allen's case amounted almost to "a refusal of justice." In an appeal for fair treatment Allen said: "Will the Government of the United States see an old soldier robbed, plundered and injured, both in Europe and America, without any proofs against him, except



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that in his youth he dared both in the field and in the cabinet to support the just rights of his native country?"

Finally, in 1804, he secured a verdict in his favor, but was taxed with his captors' costs, freight and master's expenses. The arms had been shipped to America and sold, but the firm which had handled the business had been declared in bankruptcy, and no money could be obtained. He instructed his attorneys to demand of the British Government two hundred thousand pounds as compensation for the immense losses he had sustained, and the evils he had experienced, but no records show that anything substantial resulted therefrom.

Ira Allen returned to Vermont to find himself a ruined man. It is reported that during the time he was imprisoned in France, certain persons who had been speculating in false titles to his lands, in order to protect themselves offered Mrs. Allen repeatedly one hundred thousand dollars if she would give up all his deeds and papers to them, claiming that that sum with the town of Irasburg, which she held in her own right, having been given as a dowry by her husband, was enough for her and her family.

Much of his great estate had been sold for taxes during the five and a half years that he had been absent. Numerous suits had been brought, and attempts were made to ruin his reputation. He asserted that the property he held on his departure for Europe was worth more than five hundred thousand dollars on his return to America. When he reached Vermont he caused advertisements to be printed in newspapers, protesting against the acts of Silas Hathaway of St. Albans, in

securing "secretly" a deed to the town of Highgate. General Allen's health was so poor that it was necessary for him to avoid cold weather, and for that purpose he went to Washington and Richmond to await the coming of spring. While in Washington, and again in Boston, he was arrested, as he says "on papers respecting lands clandestinely obtained." In the advertisement published concerning his case he declared that when he sailed for Europe in 1795 he held legal or equitable titles "to the whole or a great part of the lands in Alburg, Lutterloh (Albany), Coventry, Duncansborough (Newport), Barton, Middlesex and St. Andrews (Plainfield)." References are made elsewhere to suits against Silas Hathaway for the recovery of lands which he claimed in the towns of Shelburne, Burlington, Colchester, Essex, Georgia, Swanton and Highgate.

The controversy with Hathaway grew out of his action in deeding property to General Hull of Boston in order to raise money for his European trip. Many of the bills of exchange were protested and the lands, which were to have been held for redemption, were sold. Some of General Allen's property was appraised at a very low rate and was sold at auction for taxes, Silas Hathaway securing much of it.

On October 16, 1801, Ira Allen petitioned the Governor and Council, apparently from Chittenden county jail, asking for the passage of a law, releasing him from prison, protecting him from all arrests in civil processes for a term of two years and granting him for the same period a suspension without costs of all suits in law or equity, that he might have time to adjust his business

and procure proofs for use in English courts. In this petition he rehearses his troubles in Europe and says that he has been deprived of the avails of the cargo of arms he purchased abroad, which would have been sold for more than one hundred and fifty thousand dollars. During his long detention in Europe he claims that illegal and unreasonable judgments had been rendered against him, as neither his family nor his counsel had the means for defending these suits. Ever since his arrival from Europe he had been harassed by suits brought at Washington, Boston and more recently an action in Burlington for more than eighty thousand dollars. The Legislature granted him exemption for one year instead of two, as he had asked, from all arrests and imprisonments from any suits of a civil nature.

As soon as the year of exemption had expired new suits were brought, and General Allen was obliged to go to prison as a debtor. Finally he arranged to sell what remained of his property in order to secure bail, pay certain "honorary debts" and have some money for necessary travelling expenses. The sum of three hundred dollars was all he could leave his family. One of his letters is dated at Lexington, Ky., and an allusion is made to Eddyville, which leads to the belief that he may have visited Col. Matthew Lyon. A little later he took refuge in Philadelphia, where he struggled with poverty and disease, hoping and striving all the time to retrieve his fortune. In July, 1810, he petitioned the Governor and Council again, asking for the passage of a law that would secure his person from arrest on civil suits for a term of three years, that he might be "enabled

to visit his family and friends in Vermont without molestation for real or pretended debts." Apparently the petition was not granted. During the greater part of the childhood of his children he had been absent from home. In a letter sent to New York before General Allen's trip to Europe Mrs. Allen writes that Ira says "his Papa has run away." She urges him to go to the "best tinner in New York" and have his miniature taken and "set in solid gold." A miniature of General Allen, the only known portrait of the distinguished Vermonter, is in the possession of the University of Vermont, and the large portrait which hangs in the Library of the University was copied by Thomas Waterman Wood from this miniature, which is considered by critics a remarkably fine portrait and a valuable work of art. A statue of Ira Allen, the work of Sherry Fry, a New York sculptor, was erected on the campus of the University of Vermont in 1921, being the gift of James B. Wilbur of Manchester.

General Allen died on January 15, 1814, of "retrocedent gout," aged sixty-three years, according to a letter written to his nephew, Heman Allen, by John P. Ripley of Philadelphia. Several biographical sketches give January 7 as the date of his death but the Ripley letter, a newspaper report, and the burial certificate coincide in the later date. He was buried in the Free Quaker burial ground of Philadelphia, but no stone marked his grave, and an attempt made in 1905 by former Vermonters residing in that city to find some trace of his remains, that they might be brought back to Vermont as an act of tardy justice, was unsuccessful.



After General Allen's death the family removed to Irasburg, which was Mrs. Allen's property, and here his widow lived for many years. She died in 1838, at the age of seventy-four years. The records do not show when Ira Allen and Jerusha, daughter of Gen. Roger Enos, were married, but Irasburg was given to the bride as a dowry in September, 1789, and the marriage probably took place about that time. The oldest son, Ira Hayden, was born July 19, 1790; Zimri Enos was born in 1792 and died in 1813, at the age of twenty-one years, just as he was ready to begin the practice of law. A daughter, Juliet, was born in 1794 and died at St. Albans in 1811, aged seventeen years. Heman, a nephew, a son of Heber Allen, lived in General Allen's family, was treated as a son, and managed his affairs to some extent during his absence. The widow of Heber Allen was General Allen's housekeeper before his marriage. Ira H. Allen became one of the prominent men of northeastern Vermont. He managed the Irasburg property prudently and it became valuable. He was a member of the Legislature eleven years, also a member of the Governor's Council, and the Council of Censors. He died in 1866.

The end of the career of General Allen constitutes one of the tragedies of history. To Ira Allen and Thomas Chittenden, more than to any other men, belong the credit of founding the State of Vermont. Without Allen's resourcefulness and diplomacy it is a matter of grave doubt whether there would have existed, at least for any considerable period, a State of Vermont. He believed in Vermont, he appreciated her resources

and opportunities, and with the vision of a statesman he saw possibilities for commercial development which would result from linking the waters of Lake Champlain with those of the St. Lawrence River. He had built up large industries and had acquired a great landed estate. But his prolonged detention in Europe, where he was a victim of injustice and cruelty, gave the opportunity for stripping him of his great possessions. He returned to the State which he had founded and nourished, only to be driven from its borders to avoid a debtor's prison. Deprived of his possessions, compelled to spend his last years an exile from home, family and friends, he was buried in a nameless grave; and a later generation which would have been proud to do him honor, was unable to find any trace of his last resting place. The men who persecuted him are forgotten, in accordance with their deserts, but Ira Allen will be remembered and admired as long as Vermont remains a State of the American Union.











